

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 19, 2022

**FOLEY:** Good morning, ladies and gentlemen. Welcome to George W. Norris Legislative Chamber for the ninth day of the One Hundred Seventh Legislature, Second Session. Our chaplain today is Senator Hilkemann. Please rise.

**HILKEMANN:** Good morning, Lord. It's a cold, windy day. We don't like it. This COVID keeps dragging on, and more and more of our colleagues are experiencing it and we're growing COVID-worry and we don't like it. We hear Russia and the United States are in conflict and talking a war, and we say, please Lord, not again. We look at our national politics and we see the rancor that's there and we don't like it. We look at our local politics and we're now on our eighth day and we spent eight days in filibuster and we don't like it. But in the scriptures, Lord, we have the stories where you calm the storms, you heal the sick and you loved us and you love us. So Lord, this morning during these hard times, let us look to the scriptures, and we thank you for loving us even when we are unlovable. Amen.

**FOLEY:** Thanks, Senator Hilkemann. I recognize Senator Briese to lead us in the Pledge of Allegiance.

**BRIESE:** I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

**FOLEY:** Thanks, Senator Briese. I call to order the ninth day of the One Hundred Seventh Legislature, Second Session. Senators, please record your presence. Roll Call. Mr. Clerk, please record.

**ASSISTANT CLERK:** There is a quorum present, Mr. President.

**FOLEY:** Thank you, Mr. Clerk. Are there any corrections for the Journal?

**ASSISTANT CLERK:** No corrections this morning.

**FOLEY:** Thank you, sir. Any messages, reports or announcements?

**ASSISTANT CLERK:** I do, Mr. President. Reference Report from the Referencing Committee referring bills LB1016 through LB1042, as well as rereferring LB911 to the Appropriations Committee. Additionally, Committee Reports from Transportation and Telecommunications referring, reporting LB720, LB749 and LB714 to General File, LB714 having committee amendments. Committee Report from the Ag Committee concerning the gubernatorial, gubernatorial appointment of Ervin

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Portis to the Climate Assessment Response Committee and Notice of Committee Hearings from the Natural Resources, Health and Human Services and Appropriations Committee. That's all I have this time, Mr. President.

**FOLEY:** Thank you, Mr. Clerk. Senator Brandt would like us to recognize Dr. Jason Bespalec of Geneva, Nebraska, serving us today as family physician of the day. Dr. Bespalec is with us under the north balcony. Doctor, if you please rise, like to welcome you to the Nebraska Legislature. Now proceed to the agenda. Well, the first item is the introduction of new bills. We'll come to that later. Next motion-- next item is the motion to withdraw. Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, Senator Groene would move to withdraw LB790.

**FOLEY:** Senator Groene, you're recognized to open on your motion.

**GROENE:** Thank you, Mr. President. I filed-- I filed this motion to withdraw LB790 due to an omission in the language that I had originally intended. I have introduced LB1065, a related bill that will serve the intended legislative purpose without need for corrective amendments. I've consulted with Senator Williams, who is the cosigner of the bill. He has agreed with the motion to withdraw and understands the rationale for the withdrawal. I've also discussed with Urban Affairs Committee, Chairman Wayne, and committee counsel, and they are aware of the reason why I decided to withdraw LB790 and replace with clearer language in LB1065. I do appreciate a green vote on my motion to withdraw. Thank you.

**FOLEY:** Thanks, Senator Groene. Discussion on the motion. Senator Clements.

**CLEMENTS:** Thank you, Mr. President. I stand in favor of the motion, but also we'd like to just make a short announcement. Today is January 19th, my father's birthday. He is 102 years old today and he's a member of the greatest generation. Seventy-seven years ago, he was age 25, a platoon sergeant in the Army Combat Engineers in France, building bridges to try to chase the Germans as they retreated. And he was a man of integrity, a wonderful father, and he's doing well. He usually does watch us and gives me advice sometimes on how we should do things down here and I appreciate his wisdom. So I just wanted to say, I love you, dad, and happy birthday, Dwight Clements.

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**FOLEY:** Thanks, Senator Clements. And happy birthday to your dad.  
Senator Hilkemann.

**HILKEMANN:** Yes. Thank you, Mr. Lieutenant Governor. Wonder if Senator  
Groene would take a question from me?

**FOLEY:** Senator Groene, would you yield, please?

**GROENE:** Yes.

**HILKEMANN:** Yes, Senator, I have to admit I did not-- I'm not familiar  
with your bill. Could you tell me what your bill was intending to do?

**GROENE:** On my Micro-TIF bill, I've gotten a lot of communities asking  
me have we left out vacant lots because a lot of vacant lots in the  
older parts of town or buildings that have burned down or been  
condemned, so it updates the bill to not only include structures, but  
it also includes vacant lots. But what I admit was confusion was the  
intent is not only do the buildings need to be in the-- or the lot in  
the city for 60-years platted or, or existing, but it also needed to  
be in the city boundaries for 60 years. That is the correction I made  
and wanted to correct in the new language of a bill.

**HILKEMANN:** And so that's, that's not going to happen on this bill, is  
that correct now with the withdrawal of this motion?

**GROENE:** Yeah, I replaced it with a better written bill.

**HILKEMANN:** Oh, you, so you-- so this bill you-- this a new bill  
replaces this one and this is the--

**GROENE:** I wanted to avoid the confusion in a short session of going  
through what I'm right now going through and explaining to the  
committee why we need to amend it when the-- when the process is there  
to just introduce a very clean bill in the first place.

**HILKEMANN:** OK. All right. So this-- so this is the microchip process?

**GROENE:** Micro-Tax Increment Financing for the average person to be  
able to remodel at home or to remodel an old small business.

**HILKEMANN:** OK, so this is a-- this is a bill that we'll look forward  
to coming on-- on-- well, obviously it hasn't gone through the  
committee yet at this point.

**GROENE:** Yes. And the committee is well aware of my intent--

**HILKEMANN:** OK.

**GROENE:** --and they agree about my withdrawal and replacement.

**HILKEMANN:** OK, thank you, Senator.

**FOLEY:** Thanks, Senator Hilkemann. Senator Wayne.

**WAYNE:** Thank you, Mr. President. I thought I had some questions, but I talked to legal counsel and Trevor said I cannot mess with Groene this early in the morning, so I'll sit down. Thank you.

**FOLEY:** Thanks, Senator Wayne. Senator Williams. Let's try again, Senator. Senator Williams.

**WILLIAMS:** Thank you, Mr. President, and good morning again. And I would like to say that over the eight years that I've been here, I've had a lot of discussions with Senator Groene about Tax Increment Financing. Most of the time, we have not agreed on certain things, but on this particular bill, we certainly have agreed. I was very supportive of this Micro-TIF bill when it first came out, and I appreciate Senator Groene's wisdom and counsel and his tenacity in getting that passed the first time. That bill is up and running and there are activities going on across the state in this area. And the new bill that he is introducing is an update and makes some clarifications and some changes that will make it more easily used by communities across the state. I also appreciate his thoughts in withdrawing the original bill and introducing a new clean bill so that the public hearing can be held in such a way that it's right on point with what it should be. So I would encourage everyone to green vote on this motion to withdraw. And if anyone else would like to sign on to the bill, you can do it. Thank you, Mr. President.

**FOLEY:** Thanks, Senator Williams. Senator Hilkemann.

**HILKEMANN:** Yes, thank you, Mr. Lieutenant Governor. Wondering if Senator Wayne would take a couple of questions.

**FOLEY:** Senator Wayne, would you yield, please?

**WAYNE:** Yes. Yes.

**HILKEMANN:** Senator, this is-- this bill that Senator Groene wants to withdraw comes to your committee, am I correct?

**WAYNE:** Yes, sir.

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**HILKEMANN:** Could you tell me a little bit about this whole thing of the Micro-TIF?

**WAYNE:** Yes. So Senator Groene had an idea of-- so right now, TIF typically does not apply to anything over-- or anything under \$500,000. The economics just doesn't work out by the time you hire, get people in to look at the bond ratings and property tax evaluations and everything. And so what was happening in western Nebraska and some of the smaller towns, people wanted to work on a smaller projects, and they just weren't sure how to simplify the process. So Senator Groene came up with a Micro-TIF program that is a one-pager that you can fill out. It's the owner themselves of that property can fill it out and submit it to the-- to the city to make it work simply. So you don't have to bring in all the attorneys and everything you would do on a big project. And this bill, actually, Senator Groene has another bill that's identical with some corrections. That's why he's withdrawn this bill.

**HILKEMANN:** Mm-Hmm. So this should be a bill that would be very helpful to the smaller communities in Nebraska?

**WAYNE:** Theoretically, yes. We haven't-- it hasn't-- we haven't seen it play out yet. It just got introduced and passed last year.

**HILKEMANN:** OK.

**WAYNE:** So it's still fairly new.

**HILKEMANN:** I'm very familiar with, you know, the TIF that is used in Omaha, so this would be very similar to the TIF project that we have, that we've had in Omaha, only being used at a smaller level.

**WAYNE:** Yes. And we actually excluded Omaha and Lincoln because we wanted to see how it worked at the smaller level before Omaha and Lincoln got inundated with a whole bunch of small projects. So we were-- it's kind of like a pilot program to see how it works in western Nebraska.

**HILKEMANN:** Will this have-- will this-- is this one of those bills that will probably have a sunset clause on it?

**WAYNE:** Yes, it does. The current one does have a sunset clause on it.

**HILKEMANN:** OK. All right. Good. Thank you, Senator Wayne.

**WAYNE:** Yeah. Thank you.

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**FOLEY:** Thank you, Senators. Senator McDonnell.

**McDONNELL:** Thank you, Mr. President. Morning, colleagues. I rise in support of LB790. I think-- I'd rise in support of withdrawal motion of LB790 for Senator Groene. I'd like to yield the remainder of my time to Senator Hilkemann. Thank you.

**FOLEY:** Thanks, Senator McDonnell. Senator Hilkemann, four minutes and a half.

**HILKEMANN:** Thank you very much, Senator McDonnell, for yielding time. This is a-- I think these are the type of bills that we need to have to help rural Nebraska, and I'm grateful that, that this is an idea whose time has come and we need to-- hopefully this, this bill that we're withdrawing today, that the new bill will come in and do what we're hopeful of. I think this is a good idea whose time has come and I'll be supporting that. And I don't know if whether Senator Groene wants to take an opportunity to talk just a little bit about his Micro-TIF, get a little early information on that at this point. Senator Groene, if you'd like to talk about Micro-TIF, I'd be happy to-- to give you some time for that.

**FOLEY:** Senator Groene, three and a half minutes if you care to use it.

**GROENE:** Really didn't plan on making an introduction on a bill that hasn't been before the committee yet, but no, besides, I've been here seven years and I never did a withdraw motion, so at least I used the rule book once. But no, I really don't have much to say until it's hashed out in the Urban Affairs Committee. So thank you for the time, Senator Hilkemann, but really I'll save my-- keep my powder dry on the bill till later.

**FOLEY:** Thank you, Senators. I see no other members in the queue. Senator Groene, did you want to close on your motion to withdraw? He waives closing. Oh, I'm sorry, Senator McDonnell's light is on. Senator McDonnell, you're recognized.

**McDONNELL:** Oh, that's what we're trying to kill time on this morning. Thank you, Mr. President. I'll yield the remainder of my time to Senator Hilkemann.

**FOLEY:** Senator Hilkemann, 4:45.

**HILKEMANN:** So, thank you, Senator Groene, I was like, if I have-- and I understand that since it hasn't been before the committee, we can't utilize any additional-- giving further information on that. And this

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whole-- this whole thing we-- the TIF project in Omaha, we have people that think that it's-- this is an abused process. Apparently, this is one of those situations where we're, we don't think we'll have that abuse. I'm wondering if Senator Wayne would take another question regarding this bill.

**FOLEY:** Senator Wayne, would you yield, please?

**WAYNE:** Absolutely.

**HILKEMANN:** Senator Wayne, you're-- whenever there's a TIF project in, in Omaha, people always say, well that area should not be for TIF. How is-- how do you think that this Micro-TIF bill, how do you think that would be a factor down the line? Are we going to, are we going to end up at places that are going to be granted TIF that probably shouldn't be?

**WAYNE:** So three, four years ago, we, we redid a big TIF package that put more reporting mechanisms more public. They had to have additional public hearing, and we added some more guidelines of where TIF could be used. One of the biggest problems we had, Senator, was once something is considered blighted, there's no way to unblight it. And so this year we are going to-- we introduced a bill to create a process that cities and villages can unblight areas. That way, once it's been successful, you don't run into the problems of areas still being TIFed that should not be TIFed.

**HILKEMANN:** So we'll-- so we're going to kind of-- one of the problems is being resolved and that-- is that legislation that has been enacted or that is going to be coming to your committee this year?

**WAYNE:** So this year we'll have the unblighting process that will be brought to our committee. But-- but four years ago, we-- we passed significant TIF restrictions on everything from revolving loans to-- there was an audit report that came out and said that there was a lot of issues with TIF, and this Legislature four years ago changed all of those things so they're not allowed. Now, is there going to be abuse of TIF somewhere, some along the line? Absolutely. And the reason that can happen is because our constitution said it is up to the cities. And so if that abuse occurs, it occurs at the local level. And we as a body honestly can't stop that because our constitution says it is up to the cities to do Tax Increment Financing.

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**HILKEMANN:** So Senator, I know that you've been a champion for-- for north Omaha and I certainly appreciate your champion. Has TIF worked in north Omaha?

**WAYNE:** Um, TIF, yes and no. I think we're starting to eat some time so I can push my light and we can have a conversation. But yes, TIF works. Let me back up. TIF in Omaha has not worked for north Omaha because we continue to TIF areas outside of north Omaha. And so from a business perspective, why would I invest in north Omaha if I can get the same financial benefits on 108th and Dodge?

**FOLEY:** One minute.

**WAYNE:** So, we did in this body is we developed extremely blighted, which were key in our north and south Omaha and Omaha in a more areas that have higher poverty. So we can-- we can distinguish between blighted and extremely blighted so we could target north Omaha and there have been projects since we passed this that have been developed using extremely blighted in north Omaha.

**HILKEMANN:** Thank you, Senator.

**FOLEY:** Thanks, Senators. We'll pause in debate for a moment here while we have introduction of new bills.

**ASSISTANT CLERK:** New bills, Mr. President. LB1086 by Senator Geist. It's a bill for an act relating to abortions, amends sections 28-101 and 38-2021, adopts Chemical Abortion Safety Protocol Act, redefines unprofessional conduct relating to abortion under the Medicine and Surgery Practice Act, provides for severability, and repeals the original section. LB1087, introduced by Senator Stinner. It's a bill for an act relating to appropriations, appropriates federal funds to aid in the community colleges and declares an emergency. LB1088, introduced by Senator Stinner. It's a bill for an act relating to Nebraska Transformational Project Fund, amends sections 81-12,193 and section 84-612, changes provisions relating to transfers and expenditures of funds, authorizes a transfer of funds and repeals the original section. LB1089 introduced by Senator Stinner. It's a bill for an act relating to appropriations, appropriates federal funds to the Department of Health and Human Services and declares an emergency. LB1090 introduced by Senator Dorn. It's a bill for an act relating to the Business Innovation Act, amends sections 81-12,162 and changes provisions relating to award limits, repeals the original section and declares an emergency. LB1091 introduced by Senator Dorn. It's a bill for an act relating to nurses, adopts the Nebraska Nursing Incentive

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Act, provides scholarships as prescribed, state's intents regarding appropriation of federal funds. LB1092 introduced by Senator Flood. It's a bill for an act relating to Nebraska state colleges, authorizes establishment of risk-loss trusts, provides requirements for use of risk-loss trusts, provides for applicability, provides a duty for the Attorney General and the State Claims Board. LB1093 introduced by Senator Flood. It's a bill for an act relating to economic development, amends sections 13-2610, 82-334, and 82-335, adopts the Enhanced Project Financing Assistance Act, provides for use of certain sales tax revenue, harmonize provisions, and repeals the original section. LB1094 introduced by Senator Flood. It's a bill for an act relating to the ImagiNE Nebraska Act, amends section 77-6815, changes provisions relating to number of new employees, and repeals the original section. LB1095 introduced by Senator Halloran. It's a bill for an act relating to the Animal Health and Disease Control Act, amends sections 54-2949, changes provisions relating to premises registration and animal disease traceability, harmonize provisions, and repeals the original section. LB1096 introduced by Senator Halloran. It's a bill for an act relating to government entities, provides for the participation in trust and investment pools, and provides powers for the State Treasurer. LB1097 introduced by Senator Halloran. It's a bill for an act relating to sales and use taxes, amends section 77-2701,16, change provisions relating to motor vehicle towing, provides an operative date, and repeals the original section. LB1098 introduced by Senator Halloran. It's a bill for an act relating to the State Fire Marshal, amends sections 81-520.01, 81-5,159 and several sections in chapter 81, changes provisions relating to the permit to conduct open burning, contractor certificates, and Boiler Inspection Act, and Conveyance Safety Act, eliminates obsolete provisions, harmonizes provisions, and repeals the original section. LB1099 introduced by Senator Bostelman. It's a bill for an act relating to economic development, creates the Nebraska Hydrogen Hub Industry Work Group, provides duties for the Department of Economic Development, states intent regarding appropriations, and declares an emergency. LB1100 is a bill for an act relating to appropriations, appropriates federal funds to the Department of Economic Development, and declares an emergency. LB1101 introduced by Senator Bostelman. It's a bill for an act relating to telecommunications, amends sections 86,33 (SIC) 86,330, 86,1306, and 86,1307, changes universal service funding redirection provisions as prescribed, changes grant application, scoring, and challenge procedure provisions under the Nebraska Broadband Bridge Act, change and provide duties for the Public Service Commission, harmonize provisions, repeals the original sections, and declares an emergency. LB1102 introduced by Senator

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Bostelman. It's a bill for an act relating to environmental protection, amend sections 81-1507 and 81-1508, adopts the Nebraska Environmental Response Act, change provisions relating to enforcement of environmental protection provisions, and repeals the original section. LB1103 introduced by Senator Brandt. It's a bill for an act relating to the Beginner Farmer Tax Credit Act, amends section 77-5203 and 77-5209, redefines the term, change provisions relating to net worth qualifications, harmonize provisions, and repeals the original section. LB1104 introduced by Senator Day. It's a bill for an act relating to the Emergency Management Act, amend sections 81-829.39 and 81-829.41, defines terms, changes duties of the Nebraska Emergency Management Act, harmonize provisions, and repeals the original sections. LB1105 introduced by Senator Day. It's a bill for an act relating to motor vehicle registration, amends sections 60-301, 60-393, 60-395, 60-396, 60-3,104 and 60-3,130.04, provides for Autism Awareness Plates, provide powers and duties, create a fund, harmonize provisions, repeal the original sections. LB1106 introduced by Senator Day. It's a bill for an act relating to the Mental Health Practice Act, amends sections 38-2122 and 38-2123, changes licensers qualifications for provisional mental health practitioners and mental health practitioners, harmonize provisions, and repeals the original section. LB1107 introduced by Senator Day. It's a bill for an act relating to social service, amends section 68-1206, change provisional provider reimbursement for an absent child, and repeals the original section. LB1108 introduced by Senator Day. It's a bill for an act relating to sanitary improvement districts, amends sections 31-727, provides powers and duties relating to the regulation of fireworks to certain sanitary and improvement districts as prescribed, and repeals the original section. LB1109 introduced by Senator Murman. It's a bill for an act relating to the Nebraska Liquor Control Act, amends sections 51-101 (SIC 53-101) and 53-125, provides for the issuances of liquor license to the spouse of a law enforcement officer as prescribed, harmonize provisions, and repeals the original section. LB1110 introduced by Senator Slama. It's a bill for an act relating to motor vehicles, amends several sections in Chapter 60, authorizes county boards to regulate the operation of certain all-terrain vehicles and utility-type vehicles on highways within counties, redefines terms, change provisions relating to certificates of title for all-terrain vehicles and utility-type vehicles, requires registration and provides for fees and taxes for certain all-terrain vehicles and utility-type vehicles, change provisions relating to driving skills test for the Class O operator's license, change certain safety provisions of the Nebraska Rules of the Road, authorizes operation of certain all-terrain vehicles and utility-type vehicles on

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highways as prescribed, harmonizes provisions, provide an operative date, and repeals the original sections. LB1111 introduced by Senator McKinney. It's a bill for an act relating to appropriations, appropriates funds to the Supreme Court. LB1112 introduced by Senator McKinney. It's a bill for an act relating to schools, amends sections 79-729 and 79-760.01, adopts the Computer Science Technology Act, provides a graduation requirement, changes duties relating to academic content standards, and repeals the original section. LB1113 introduced by Senator McKinney. It's a bill for an act relating to the Young Adult Bridge to Independence Act, amends section 43-4501, provides for a pilot program, states intent to appropriate federal funds, repeals the original section. LB1114 introduced by Senator McKinney. It's a bill for an act relating to Business Innovation Act, amends several sections in Chapter 81, defines a term, change provisions relating to purposes, funding preferences, and the small business investment program, harmonizes provisions, and repeals the original section. LB1115 introduced by Senator McKinney. It's a bill for an act relating to property taxes, require the development of certain property in order for it to retain its property tax exemption, defines terms, and creates a fund. LB1116 introduced by Senator Wayne. It's a bill for an act relating to the Business Innovation Act, amend sections 81-12,153 and 81-12,158, defines the term, change provisions relating to a financial assistance program for creating prototypes, and repeals the original section. LB1117 introduced by Senator Wayne. It's a bill for an act relating to the Community Development Assistance Act, amends section 13-201 and 13-203, and section 13-208, defines terms and redefines terms, changes provisions relating to limits on tax credits, provides a sunset date, and harmonizes provisions, and repeals the original section. LB1118 introduced by Senator Wayne. It's a bill for an act relating to city airport authorities, amend sections 3-504 and 32-557 (SIC 32-547), section 3-502, provides for the election of members of an airport authority board in a city of the metropolitan class, change provisions relating to powers, harmonize provisions, and repeals the original section. LB1119 introduced by Senator Wayne. It's a bill for an act relating to the Cities Airport Authorities Act, amends section 3-504, change powers of an authority created by a city of the metropolitan class as prescribed, harmonizes provisions, and repeals the original section. LB1120 introduced by Senator Wayne. It's a bill for an act relating to federal funds, disqualify entities receiving funds from the federal American Rescue Plan Act of 2021 from a high-population county or a city of the metropolitan class from receiving such funds from the state, and to define terms. LB1121 introduced by Senator Albrecht. It's a bill for an act relating to elections, amends section 32-203 and section 32-204, requires

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inspection of vote counting devices, provides for the use of funds for such inspections, harmonize provisions, and repeals the original section. LB1122 introduced by Senator Erdman. It's a bill for an act relating to the Land Surveyors Regulation Act, amends sections 81-8,108.01 and 81-8,109, redefines terms, authorizes certain activities and provides a requirement related to land surveying, provides for liability, harmonizes provisions, and repeals the original section. LB1123 introduced by Senator Erdman. It's a bill for an act relating to elections, amends section 32-1027, changes procedures for counting ballots, and repeals the original section. LB1124 introduced by Senator Erdman. It's a bill for an act relating to decedents' estates, amends section 30-24,125, changes a personal property value threshold for collection of personal property by affidavit for small estates, and repeals the original section. Additionally, Mr. President, Notice of Committee Hearing from the Health and Human Services Committee. That's all I have at this time.

**FOLEY:** Thank you, Mr. Clerk. We'll now return to the discussion on the motion. Senator Hilkemann, this is your third opportunity.

**HILKEMANN:** Oh, thank you, Mr. Lieutenant Governor. I'm wondering if Senator Moser would take a couple of questions from me.

**FOLEY:** Senator Moser, would you yield, please?

**MOSER:** Yes.

**HILKEMANN:** Senator Moser, are you familiar with the-- how has TIF and how would this Micro-TIF affect your area in Columbus?

**MOSER:** We've had a lot of TIF projects, and while I say a lot, a number of TIF projects in Columbus. I was just talking to Senator Wayne about this a little bit. The expenses of the legal work and the financing and those things kind of keep you from using TIF for smaller projects. We had one TIF project that was a rehab on a hotel and I think that was a couple of million dollars. We had a rehab of an area for a new grocery store and that one was \$500,000. They took a nursery, an old dilapidated manufacturing site, kind of a rundown mobile home park and some other properties and unified those all into one parcel and then they put in a nice new grocery store there and a new convenience store. And so that-- TIF worked out really well. I think that the Micro-TIF idea is trying to downsize the program so that it can be affordable for smaller communities. And so I I haven't read the bill real closely, but I'm probably going to support it.

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**FOLEY:** Senator Hilkemann, you've got three minutes if you care to use it.

**HILKEMANN:** Oh, thank you, Senator Moser, for that update on the area in Columbus. So this Micro-TIF area down the line would be of benefit to you. So thank you very much for that. Thank you, Mr. Lieutenant Governor.

**FOLEY:** Thanks, Senator Hilkemann. Senator Slama.

**SLAMA:** Thank you, Mr. President and good morning, colleagues. I wanted to take a moment this morning. I know we're discussing other things on the floor, but I wanted to take a moment to recognize that District 1 laid to rest one of their finest yesterday. Richardson County Sergeant Jeremy Goldsberry passed away unexpectedly after finishing a shift on January 9th at age 46. Over 50 officers from three states and the Indian nations joined his family for his funeral services yesterday. Sergeant Goldsberry is remembered as a loving family member and a dedicated law enforcement officer for over 20 years. He not only worked for the Richardson County Sheriff's Department, but he also previously worked as a police officer for the Iowa tribe and as a Falls City Police officer. The Nebraska State Patrol Honor Guard provided gravesite honors, and Sheriff Rick Hardesty presented the family with the ceremonial American flag. Sergeant Goldsberry was a well-respected and important piece of the Richardson County Sheriff's Office and spent over half of his life serving his community. He will be greatly missed. If we could-- and could I get a gavel, Mr. President? I'd like to take a brief moment of silence to honor Sergeant Goldsberry and all those men and women in law enforcement that have left us too soon. I-- could I get another gavel?

**FOLEY:** Members, please come to order.

**SLAMA:** All right. We're going to take a moment of silence to honor Sergeant Goldsberry, and he was laid to rest yesterday for those of you who weren't quite tuned in. God bless Sergeant Goldsberry and God bless the sacrifice of all those men and women in law enforcement that have left us too soon. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Slama. Senator McDonnell.

**McDONNELL:** Thank you, Mr. President. I'll yield my time to Senator Hilkemann.

**FOLEY:** Senator Hilkemann, 5:00.

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**HILKEMANN:** Thank you, Senator McDonnell. I appreciate that. I am wondering if-- if Senator Williams would take a question from me.

**FOLEY:** Senator Williams, will you yield, please?

**WILLIAMS:** Certainly.

**HILKEMANN:** Senator, it seems to me like this bill that-- that we're considering withdrawing here might be a bill that would really be beneficial to where you live. Could you tell me about some of the projects that have been TIF projects in your area and how the Micro-TIF may help that out?

**WILLIAMS:** Well, it certainly would be helpful, and that's why I've been supportive of this bill and I'm actually a co-sponsor along with Senator Groene. TIF has been used in, in many ways across our state and oftentimes people want to look at that it's-- it's been used in our urban areas to benefit them. But the other side of that coin is there's been many opportunities in our rural areas, including communities that I have dealt with in, in what was Legislative District 36 that have been very worthwhile uses of TIF. The communities of, of Gothenburg, Cozad, Lexington, Broken Bow in particular have been able to be more competitive in recruiting jobs to their communities. All that's been helpful in growing those communities. We spend a lot of time in the Legislature trying to figure out how can we support our rural areas? How can we create opportunities to have more kids in our schools and grow? And the use and what I would term the proper use of Tax Increment Financing has been part of that. That said, the expense side of normal use of TIF is fairly high. You know, through the Community Redevelopment Authority and creating a plan that has to be put together, there can oftentimes be fairly substantial legal costs involved. And we have always said in-- in Gothenburg at least, that if a project is not in the 300 to \$350,000 category, it just isn't economical as, as others have said on the floor to, to use traditional TIF. The idea with Micro-TIF is a trimmed down streamlined opportunity to use TIF in circumstances that you can avoid those significant costs. And the original bill that we passed a couple of years ago did that in such a way that through an application that the homeowner, for instance, or the owner of the real estate can put together and, and give to the city, they can apply for an arranged TIF. And then what that does is as they invest in the property, as they make improvements in the property and you have that incremental increase in valuation, they do not have to pay taxes on that increased valuation for the-- under the original bill, as Senator Groene passed it, a 10-year period of time. And so each year, when

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their tax bill would come, it would be reduced by that increment, and that's why it's called Tax Increment Financing. The new legislation that Senator Groene is proposing is extending that to the 15-year period, which has been the normal period for other TIF projects. And that's one of the reasons that I'm supportive of this bill because I think that that makes sense to have it be that longer period of time so it matches other TIF financing. So, for many of our rural communities like we're in, we have run-down properties. We have vacant lots that this can be a tool, one of a number of tools, but one of the tools that can be used to help get to a solution. So that's what I would say is how we should be able to use this and that's why I'm supportive of the underlying bill and understand the motive for withdrawing this legislation so the other bill can be filed. Thank you.

**HILKEMANN:** Thank you, Senator Williams.

**FOLEY:** Thank you, Senators Hilkemann and Williams. We'll pause again for new bill introductions. Mr. Clerk.

**ASSISTANT CLERK:** Thank you, Mr. President. LB1125 introduced by Senator Aguilar. It's a bill for an act relating to appropriations, appropriates federal funds to the Department of Economic Development, and declares an emergency. LB1126 introduced by Senator Machaela Cavanagh. It's a bill for an act relating to the Department of Health and Human Services, amends section 68-1206, eliminates a co-payment, repeals the original section. LB1127 introduced by Senator Wishart. It's a bill for an act relating to state regulations, adopts the Regulatory Sandbox Act. LB1128 introduced by Senator DeBoer. It's a bill for an act relating to teachers, amends section 77-2716, adopts the Student Loan Repayment Assistance for Teachers Act, provides an income tax deduction as prescribed, and repeals the original section. LB1129 introduced by Senator Morfeld. It's a bill for an act relating to public health and welfare, provides for free contraceptives for women as prescribed. LB1130 introduced by Senator Morfeld. It's a bill for an act relating to the Nebraska Statewide Workforce and Education Reporting System Act, amends sections 48-648, 48-2303, 48-3701, and 60-484, and also section 77-27,119, requires memoranda of understanding regarding data sharing, provide duties for the Nebraska Statewide Workforce and Education Reporting System, Department of Labor, Department of Motor Vehicles, Department of Health and Human Services, Department of Revenue, requires reports, requires confidentiality, harmonize provisions, repeals the original section. LB1131 introduced by Senator Morfeld. It's a bill for an act relating to appropriations, states intent to appropriate federal funds for

bonus payments and declares an emergency. LB1132 introduced by Senator Morfeld. It's a bill for an act relating to Nebraska Uniform Real Property Transfer Death Act, amends section 76-3401 and 76-3410, change provisions relating to required warnings on transfer of death deeds and insurance policies on certain real property, harmonize provisions, repeals the original section. LB1133 introduced by Senator Morfeld. It's a bill for an act relating to Nebraska Workers' Compensation Act, amends sections 48-101.01, defines a term, includes health care workers within provisions concerning mental health injuries and mental health illness, harmonize provisions, and repeals original section. LB1134 introduced by Senator Morfeld. It's a bill for an act relating to political accountability and disclosure, amends sections 49-14,101.02, prohibits the use of public resources by a member of the board of directors or an employee of certain corporations as prescribed, and repeals the original section. LB1135 introduced by Senator Murman. It's a bill for an act relating to conservation or preservation easements, amends sections 23-1506, 76-2,112, 76-2,113, 76-2,115, 76-2,117 and 77-5007, section 77-202, change provisions relating to creating, approving or denying or quoting or enforcing such easements, changes property tax exemptions relating to easements, harmonize provisions, repeals the original section. LB1136 introduced by Senator Hunt. It's a bill for an act relating to health care, amends section 71-448, adopts the Senior Care LGBTQ Discrimination Prevention Act, provides for enforcement under the Health Care Facility Licensure Act, and repeals the original section. LB1137 introduced by Senator Hunt. It's a bill for an act relating to Fair Pay to Play Act, amends sections 48-3601, 48-3602, 48-3603, 48-3604, 48-3605, 48-3606, 48-3607, 48-3608, and 48-3609, renames the act, changes provisions relating to name, image or likeness rights of student-athletes, harmonize provisions, repeals the original section. LB1138 introduced by Senator Vargas. It's a bill for an act relating to appropriations, appropriates federal funds to the Department of Health and Human Services, and declares an emergency. LB1139 introduced by Senator Matt Hansen. It's a bill for an act relating to political accountability and disclosure, amends sections 49,1469, prohibits certain corporations from making expenditure or contribution or providing personal services as prescribed, and repeals the original section. LB1140 introduced by Senator Matt Hansen. It's a bill for an act relating to withholding of wages, amends sections 48-224, change provisions relating to approval of agencies and associations for participation in public employee withholding programs, and repeals the original section. Additionally, Mr. President, Notice of Committee Hearings from the Exec Board Committee

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for both Wednesday and Thursday of next week. That's all I have at this time, Mr. President.

**FOLEY:** Thank you, Mr. Clerk. Continuing discussion, Senator Wayne. He waives the opportunity. Senator Groene, you're recognized to close on your motion. He waives closing. The question for the body is the adoption of the motion to withdraw LB790. Those in favor vote aye, those opposed vote nay. Have you all voted who care to? Record, please.

**ASSISTANT CLERK:** 30 ayes, 0 nays on the adoption of the motion.

**FOLEY:** LB790 has been withdrawn. Senator Hughes would like us to recognize delegation up in the north balcony from Nebraska Cattlemen, Young Cattlemen Connection Class of 2022. Welcome to the Nebraska Legislature. Please rise so we can welcome you to the Legislature. Moving on the agenda to Select File 2021, carryover Senator priority bill. Mr. Clerk.

**ASSISTANT CLERK:** Thank you, Mr. President. LB496 introduced by Senator Hilkemann. It's a bill for an act relating to DNA Information Act, cause collection of DNA samples from persons arrested for certain crimes, defines the term, provides for expungement, harmonizes provisions, provides an update, and repeals the original section. When we left the bill yesterday, pending motions were a motion from Senator-- or excuse me, an amendment from Senator Hunt and-- and the Hunt amendment failed. There's now a reconsideration motion by Senator Wayne, M0127.

**FOLEY:** Thanks, Mr. Clerk. Senator Hilkemann, why don't you take a couple of minutes, maybe two minutes to refresh us.

**HILKEMANN:** Thank you, Mr. Lieutenant Governor. LB496, the bill that we've now been debating now for about 13 hours, when you consider the General File, it's like, this is a bill that will help Nebraska be smart on crime by using DNA at the time of booking for a felony. This bill is presently active in 31 states. It's been going on for the last 15 years. It has done exactly what it was intended to do. It helped solve unsolved crimes. It has exonerated people who have spent years in prison falsely accused. And one of the big things is that oftentimes get serial criminals discovered sooner so that they, the repeat offenders. I stress that these are for the most violent felonies that-- that this bill is in place. If it can happen, if 31 states can do this, we need to do it here in Nebraska. And just a reminder, one of the best defense attorneys in the state of Nebraska

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said it's not a matter of if Nebraska has this bill, it's why haven't we had this bill? Thank you, Mr. Lieutenant Governor.

**FOLEY:** Thanks, Senator Hilkemann. Senator Wayne, yesterday you filed a reconsideration motion on the vote regarding Senator Hunt's amendment. Did you wish to take up that motion?

**WAYNE:** Yes, I do.

**FOLEY:** You may speak to it now, sir.

**WAYNE:** Thank you. How many minutes do I have? How much time is there?

**FOLEY:** Ten minutes, sir.

**WAYNE:** Thank you. I'm-- so those who are watching, we'll-- we'll play a little inside baseball here. And thank you, Mr. President. We are taking time to filibuster this bill which requires a 33 vote. There are very few bills that come across this body, I may not like them, I may take a little bit of time, but filibuster is, is for bills that I think have deep concerns for the community. In this particular case this is not for the most violent crimes. This is for any felony. When you are arrested for a felony and you are-- let me, let me make sure people understand this watching at home. You are arrested because the cops believe that there are probable cause. At a preliminary hearing, a judge will reaffirm the probable cause. The likelihood of ever winning a preliminary hearing is slim to none. As a practicing attorney, I've won one out of five, three or four hundred. Yesterday, Senator Cavanaugh said he won maybe two or three out of five hundred. It's slim to none. Your DNA will go to the federal DNA system, and the only way that DNA gets removed is if you are found not guilty or you are pardoned. If you plead down to a misdemeanor, your DNA stays in the federal system. If you are overcharged and you are pled down to even disorderly conduct, your DNA stays. This is not for the most violent crimes. And in fact, Nebraska doesn't really define violent crimes. We-- we look to court cases, and if you talk to the CI-- CGI committee, Department of Corrections doesn't define or they have a different definition of violent crimes in our own Supreme Court cases that outlaw or that outline violent crimes. This is for any crime, including marijuana, including when oftentimes in Nebraska they will just charge you, at least in Omaha, with a violation of a tax stamp because it's just a little bit over a pound of so-called TIC. And you often plead down to a misdemeanor, your DNA is taken to the federal level. So since we're talking a little bit, I'm going to kill a little bit of time. I would like to ask Senator Friesen a question.

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**HUGHES:** Senator Friesen, will you yield?

**FRIESEN:** Yes, I would.

**WAYNE:** Senator Friesen, we heard a lot of things and I want to know if you heard these things about we possibly may use eminent domain in whatever year to go into Colorado and build a canal. Did you hear about that?

**FRIESEN:** Yes, I found it very fascinating.

**WAYNE:** Yeah, me too. One, it'll probably be a lot of litigation before we actually do that. But as I drive past the Platte River every day, I've been struggling with this question. And the question is, if my client asked me this, I don't know how to give this answer so I'm asking you for a little bit of help on this legal advice, if we build the canal into Colorado and my client decides to go tubing from Colorado into Nebraska, are they allowed to smoke marijuana?

**FRIESEN:** I would assume they would have to obey Colorado law until they hit that borderline.

**WAYNE:** But I think we own the water.

**FRIESEN:** That doesn't really matter. I mean, you're inside of Colorado. I do believe they could legally smoke weed on the river, but when they cross that border, that's when they would break the law.

**WAYNE:** So who would enforce that? Would we have State Patrol boat up the canal or do we expand Game and Parks? I know you're a big friend of Game and Parks.

**FRIESEN:** Well, I would-- I would think maybe it'd have to be the State Patrol because I don't think that's a recreation area that would be Game and Parks. So we'd maybe-- maybe we could put some traffic cameras up there or something like that.

**WAYNE:** I'd like to ask Senator Wishart a question.

**HUGHES:** Senator Wishart, will you yield?

**WISHART:** Yes.

**WAYNE:** Senator Wishart, do you agree with the analysis that somebody could use marijuana on the canal that we own in Colorado, but have to stop when they hit Nebraska on the tube?

**WISHART:** Yes, they do.

**WAYNE:** That just doesn't seem right, but we'll talk about that later. Thank you, Senator Wishart.

**WISHART:** I've got a bill to work on that.

**WAYNE:** OK. We'll look more at your bill. Colleagues, the reason I kind of joked here is because we can't keep talking about this bill a whole lot more. There's nothing else to say about this bill. If you are a Democrat and you are a liberal and you are a progressive, you know this is unfairly going to target low-income, black and brown. The disparity is going to exist. If you are a conservative, do you really want your DNA to be entrusted with the federal government? And I want to remind you, most conservatives in this body don't even want your name on a register for a gun, but you want your DNA, something that can be used to really determine who you are, you are essential who you are all the way down to maybe one day cloning you, to be in a database at the federal government. So for me, it's-- it's both sides of the political spectrum who I think should be against this bill. But colleagues, what happens in this body often is, we vote up or down a bill based off of the introducer. We vote for cloture based off of the introducer. We say, I like Senator Hilkemann and I don't-- so I'm going to give him a cloture vote. The problem with the cloture vote in this situation is you are playing with the lives in certain communities. You are playing with the justice system that has never been fair to certain people in certain communities. They are overpoliced. In this case, they're are going to be oversampled for DNA. We know it, we know it, we know it. In addition to that, those same people have to hire an attorney even if they're acquitted to go through the steps to send it to the federal government to make sure it is a certified copy. It is not just a regular copy. The law reads, a certified copy and the general public may not know what that means. You have to go down and pay a fee. Get it stamped. You cannot break the seal. You cannot break the staples, else it doesn't count. So most people are going to have to spend an additional dollars just to get their name off of and their data, and their DNA out of a database because they were found not guilty. But again, my freshman year, I'll never forget, if he's watching, Senator Larson had a bill and it was like the most amazing thing because it died in like three minutes. Senator Chambers stood up, and this is when Senator Larson made a lot of people mad in the body, and it was, I think, something to do with gambling, and I'm sure he'll text me and tell me I'm wrong. It was a gambling bill and Senator Chambers stood up and said, I'm-- I'm voting to recommit motion or something. And he didn't even give his full 15

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or 10-minute introduction. Think about that. Senator Chambers did not use all of his time because the body was so mad at Senator Larson, the bill died within five minutes. And I was like, what happened? And they were like, everybody is mad at Senator Larson. I was like, so they just killed his bill here, like, yeah. The opposite is going to happen here today. I like this Senator. He-- he has, usually votes against most of my stuff, but I like him as a person. I think that's a fair statement. Sometimes you vote for bills that I like, but we are going to go to a cloture vote because we like him. That is not how we legislate. And here's what I would really say to you all, you all who like Senator Hilkemann. Give him the fast death. Don't-- don't be there on Select and then we get to Final Reading not be there, and he gets his hopes up, and we're on Final Reading and then the bill dies.

**HUGHES:** One minute.

**WAYNE:** Like, if-- if you're going to kill me, Senator Brewer, just chop off my head right now, like, don't give me a slow death. That is-- that is the worst thing you can-- if you are my friend, take me out now. Don't, like put needles in me and make me think I'm going to survive this torture because that's what's going to happen here. There are a lot of people who committed to Select who are not going to be there on Final Reading and it's not going to pass. So I'm begging those who have committed to walk over there and say, hey, it's not going to work. You don't have the votes on Final. I like you as a person, Senator Hilkemann, and I'm going to give you a fast death. That is the respectable thing to do in this situation. Thank you.

**HUGHES:** Thank you, Senator Wayne. Senator Wishart, you're recognized.

**WISHART:** Thank you, Mr. President. Good morning, colleagues. It's good to be back. I am actually one of those Senators that is going to give Senator Hilkemann a lifeline. Voting for this on cloture on Select File and allowing him to work with those who have opposition to this to see if there is some way to come to a solution where the underlying goals of what he wants to accomplish in terms of public safety are able to be accomplished. And at the same time, the concerns that Senator Wayne and Senator Cavanaugh and Senator Hunt and Senator McKinney and others have about this bill are reflected in that compromise. I have mixed feelings about this bill. As a female Senator who I'm not sure I can call myself young anymore, just turned 37, but a female Senator who's been serving and was elected when I was in my early 30s, I recognize the weight that is on me to represent other young women and young women are disproportionately affected by sexual violence every day. And when I look at this bill, I see an opportunity

to ensure that serial rapists are found. And in that case, women, and in particular the young women, are safer. And that weighs heavy on me. But the reality is that in listening to Senator Wayne in particular, this bill will disproportionately impact his constituents and the people that he carries a weight to make sure their voices are heard. And that's why I called Senator Hilkemann last night and I said, look, I will give you one more opportunity to talk with those who are opposed and try to find some type of solution that helps to get at the underlying core of this bill of making the community safer for young women, while also ensuring that those that Senator McKinney and Senator Wayne and Senator Vargas represent are not disproportionately impacted. I don't know if that solution is going to happen, but colleagues, I've been working here since I was 24 years old. And let me tell you, this body used to work a lot differently, a lot differently. We are getting into a rut of just saying no, like a ping pong ball across the room. No, no, no, no, not your bill. Then your bill is going down. All of us come here with some good ideas to work on. And I think it's on all of us to try and allow each other to be heard. That's why we have three rounds of debate. That's why we have the ability to give someone the benefit of the doubt in being able to work with those who are opposed on a bill to move forward. I've-- I've been very guilty of it myself of just saying no and I get it and there are some issues that there won't be a compromise on. I understand that, but this body would sure work better if we all showed up every day trying to find a way that we could help each other--

**HUGHES:** One minute.

**WISHART:** --be successful in what we're working on, instead of just immediately saying no. And we're falling into that really quickly and we have a lot of opportunity this session, some really big ideas, some exciting projects. I was just talking with Senator Groene about the sustainable beef project going on in North Platte. It could be transformative for that community. I'm excited about Senator McKinney and Senator Wayne's ideas with north Omaha. We have a lot of really exciting opportunities and we need to get out of this rut. And today I'm going to help one of my colleagues have an opportunity to work with the opposition, see if there can be a compromise. Thank you.

**Speaker 5:** Thank you, Senator Wishart. Senator Matt Hansen, you're recognized.

**M. HANSEN:** Thank you, Mr. President and good morning, colleagues. I wanted to talk a little bit about kind of DNA versus fingerprints because that's been something that's come up to us to debate of DNA is

the new fingerprint or DNA is the new, you know, well, that term just over and over again. And there's a key difference there that I don't think gets highlighted enough. Senator Wayne touched upon it a little bit earlier, and it's lingering there because when you think about a fingerprint, that is ultimately, you know, the folds of the skin on my thumb, my pinky, that is all the information you get from me. Yes, it's identifying. It's identifying in the same way a photograph is, in the sense that you can compare and experts compare and decide if it's the same. And I see the benefit of that, and I see that as a tool. DNA, of course, you can compare DNA sample versus a DNA collection, and you can compare and see if it's the same. So in some ways it does, I understand, see the logic to just compare it. It's as simple as a fingerprint, simple as a photograph. Colleagues, let's not forget everything else that's encoded in the DNA. I think we're all know or heard of some stories about people who are doing, you know, at home DNA test for fun and finding out they have missing half-siblings, finding out that somebody they thought was their parent actually isn't. We're having nowadays in modern sense, a technology, we're having all sorts of people, including I've had some family members go under testing for genetic preconditions for kind of hereditary diseases, hereditary cancers. This is what is all baked in into the sample. You know, it's more than just, is this your thumb? Is this what you look like? It is, who are you in a person? You know, is your parent actually your biological parent? Do you even know that? You know, are you predisposed to any sort of medical condition or at least certain genetic ones? All of this is baked into that sample, and that is why DNA is a step above for me, above a fingerprint. It is not just, you know, can I compare these two pictures, can I compare these two ink prints and see if they're the same or not. It is, you know, the fundamental examination of so many things about your person. And I know it's the DNA databases, you know, scrub or claim the scrub many of the markers away. That still doesn't prevent, you know, the markers they do have, the-- the evidence collection, the chain of custody, frankly, just the safety and security procedures they have, from putting all of that at risk. And that's kind of like a repeated-- a repeated thing with this is DNA is-- and part of the reason people stand up strong about this, DNA is more than just, you know, a ink print of your thumb. It's more than just a photograph of you. Those are things we can't help but leave out in the world. DNA is one that you know, both reveals more about ourselves than we would personally know without paying for it ourselves, as well as, you know, needing some pretty advanced technology. So in my mind, that's the reason I can't just say, oh, it's just a fingerprint. It's another step up, and it pretty clearly is another step up. I understand its role in solving

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crime. I am by no means saying we shouldn't use DNA to solve crime. I am saying we just need to collect DNA when we have probable cause that the DNA is relevant to the search. I want us to get probable cause. I want us to get a warrant for the DNA first. That's the same standard we've used for every search through--

**HUGHES:** One minute.

**M. HANSEN:** Thank you. --up until now, it's the same standard we use for the papers in your desk. It's the same standard we use for the text messages on your phone. And for me, when we're talking about DNA, which is a comprehensive index of who you are as a person, you know can tell you who your true parents are. You know, tell you, you know, your predisposition for cancer. Can tell you all sorts of things. I would like that to be as minimally secure as the text messages in my phone, as the glove compartment of my car. And really, that's what I've been pushing for here. We have a system right now that allows for DNA to be collected when it's needed, and DNA to be collected when people are convicted. And that's a good standard, and we should be very careful in changing that at all. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Hansen. Senator Hilkemann, you're recognized.

**HILKEMANN:** Oh, thank you, Mr. President. I wanted just do a couple of clarifications that came up from yesterday's conversation and then on the conversation today. I want you all to take a look at the ER90, on-- on this LB496, page 3. If you go to line 22, we have a complete list of the crimes of violence that are included in these. Line 24, it's arson, assault in the first degree, assault in the second degree, kidnapping, manslaughter, murder in the first degree, murder in the second degree, sexual assault in the first degree, sexual assault of a child, sexual assault in the second degree, sexual assault in the second degree, child enticement, sexual abuse of an inmate, sexual abuse of an inmate or a parolee in the second degree, sexual abuse of protected individuals, robbery, violation of the Homicide of the Unborn Child Act, incest, attempt or conspiracy to commit an offense. That list is pretty specific of violent crimes. This is not going to be you're going down the Interstate 87 mile an hour and you're pulled over, we want your DNA. These are crimes of violence. Yesterday, the comment was made about how expensive this bill is. I want you to know that this bill is not going to have any that the-- it's going to be paid for by the-- the the fund. And so there will be no general expense. The whole thing why we have an A bill is there needs to be a cash transfer to cover that particular thing. According to the

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University of Virginia, when I did a study on the DNA, this DNA, the, the, the buckle cell swab that they take is a \$35 test. The fact of the matter for each \$35 test saves over \$27,000 in solving crimes. Unsolved crimes are extremely expensive for law enforcement. They're even more expensive to the victims when they're waiting to find out who did these dastardly things to their child. Why was my child murdered or why was this done? The emotional cost of that is significant. I can tell you a personal story. My-- my second cousin, David Stevens, was brutally murdered on Christmas Eve, 1998, in La Jolla, California. It was over seven years before the person who did that heinous crime was brought to justice. I can tell you the pain that my cousin and his family went through, not knowing--

**HILGERS:** One minute.

**HILKEMANN:** --what happened to their son. So that's what part of this is. It has solved unsolved crimes that have been there for years, and maybe a later time on the mike, I'll be able to share some of those particular stories. And thank you very much, Mr. Speaker.

**HILGERS:** Thanks. Senator Hilkemann. Senator Halloran would like to welcome Nebraska Supporters of an Article V Convention of States who are from every corner of the state of Nebraska. They're seated in the north-- primarily in the north balcony. Please rise and be recognized by your Nebraska Legislature. Continuing debate on the motion, Senator John Cavanaugh, you're recognized.

**J. CAVANAUGH:** Thank you, Mr Speaker. So I rise in opposition to the bill and the amendment, reconsideration. Senator Wayne did a nice job of explaining kind of the procedural aspects of the criminal justice system, and certainly I don't think anyone with a straight face can deny the disproportionate impact our criminal justice system has on black and brown people and that any decisions we make are going to exacerbate those impacts. But, well, I have-- I got a lot of comments, so I'll keep pressing my button. But as we're thinking about this-- this bill last night, I, of course, thought about the many times I saw Senator Chambers stand up and recite the scene from a man for all seasons where Thomas Moore, who-- Senator Halloran is smiling at me, I think he knows the quote --where Thomas Moore, who I think a lot of people respect. There's actually a law society called the Thomas Moore Society, which I think is popular with a certain number of people in this body as well. But St. Thomas Moore was under investigation by the King of England at the time when they were splitting from the Catholic Church, and it was considered problematic to be a Catholic and to hold those beliefs, and he was being spied upon by everyone. And at one

point, I think it's his daughter and her fiancée or whatever the man's relationship is, are telling him, you should arrest this gentleman because he's a spy. And he says that he won't arrest him because he's broken no law. And they say he's the devil and he says, I afford the devil the protections of the law, and the son-in-law says, I would cut down all the laws in England to ensure that I captured the devil. And Thomas Moore says, and when the devil turns back upon you and there you do not have the protections of the laws any longer, how are you going to stand in that fury of the devil coming after you? And he says, no, I afford the devil the protections of the law, because those laws protect me. And that's what we're talking about here. We're talking about situations where we want to capture bad people. We have a deep-seated desire to go after people because they have done something heinous. And Senator Hilkemann rightly articulated that the allegations here, the charges we're talking about, are some of the most serious that we have. But the point is not that we want to capture wrongdoers, it's that we afford everyone the protections of the law because in that affording them those protections, we protect ourselves. We protect everyone. And that's the purpose of the Fourth Amendment. That's the purpose of section-- Article VII of the first-- of Section 1 of our Constitution. That's the purpose of all the civil liberties that we hold dear and that we protect. It is to ensure that wrongfully accused people do not get caught in the system, maligned, persecuted, prosecuted, incarcerated, have their rights stripped of them because of our desire and our need to prosecute wrongdoers. We have a system of innocent till proven guilty. We have a system of proof beyond a reasonable doubt. And the reason for those two standards is because we want to ensure that innocent people are not incarcerated. It is better to ensure that everyone has rights, even if we are certain--

**HILGERS:** One minute.

**J. CAVANAUGH:** --in our gut, in our heart, that they did something wrong, they've done something horrible and heinous. It is better to afford them the protections of the Constitution than to take them away from everyone else in the interest of doing that. And so that is the problem with this bill. That is the problem with this idea is that it fundamentally erodes constitutional protections for everyone in the interest of catching the person who has done something heinous to a family member, a friend, anyone we know or a story we read in the paper. That is why anecdotes are not helpful here. That is why these-- the passions are not helpful here. The consideration is whether or not we want to erode constitutional protections for everyone in the interest of arresting, catching more people that have committed

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admittedly terrible acts. And so that's why I am opposed to this. I want to make sure that our system continues to protect everyone, continues to function as a democracy that has a functioning--

**HILGERS:** That's time, Senator.

**J. CAVANAUGH:** --to this legal system. Thank you, Mr Speaker.

**HILGERS:** Thank you, Senator Cavanaugh. Senator Hunt, you're recognized.

**HUNT:** Thank you, Mr. Speaker. Good morning, Nebraskans. If there is any scenario where we are taking DNA from people who are innocent, that will not be something I can accept. Period. That is a line that I hold on principle. And as Senator John Cavanaugh said, you know, anecdotes don't help, the passions don't help because the question we're considering here fundamentally is, is it OK to take DNA from innocent people? No. So there's no compromise for me, if that's what the question is that we're doing because the fundamental principle behind the idea is wrong. It's flawed to me. And for that reason, I disagree with what my friend, Senator Wishart, said in this context. My opposition, anybody's opposition to LB496 in the taking of DNA from innocent people doesn't mean that we aren't willing to compromise. The fact that we have had two bills come up in the first eight days of Session that were hotly controversial, that everybody here knew were going to be hotly controversial, doesn't mean that we can't work together. It means the schedule has-- you know, take it up with a guy who makes the schedule. You put two bills that are carrying over from last year, which makes total sense, both of them super controversial, both of them expected to go to cloture, that doesn't mean we're not compromising. It just means we've got two controversial bills in a row, and I don't feel like I owe a vote to a colleague who I like very much on a bad bill just to be nice and collegial. What I owe is my judgment to my constituents in making sure that I'm taking actions here on their behalf that bring the least amount of harm to them. If it seems like we're doing nothing but disagreeing in this Legislature, then bring that up with the person that makes the schedule. But there are plenty of things that we do work on together, and so I disagree with the-- with the idea that in this body we do not compromise. I still think that our nonpartisan Unicameral is the most collaborative elective body that we probably have in the entire country. We can't be passing laws just to pass laws, and not everything needs a compromise because some things just aren't a good idea. So saying I'll give you a cloture vote on the second round of debate, but not vote for it on the third round of debate, I agree with, with colleagues like Senator

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Wayne, who has said that that's not kind. That's also not good governance. If something's not a good idea, it's just not a good idea and we don't need to find a way to jam it into the books or wedge it through or find a compromise when we're talking about taking the DNA of innocent people. I draw a line there. That's just not OK with me. Being accused of a crime doesn't mean that you're guilty, no matter how heinous the crime is. In Nebraska, could terminating a pregnancy be considered a violent crime? Could having a miscarriage be considered a violent crime? Maybe, because we've seen laws like that pass in other states. And so, colleagues, think-- think hard here, right, like think with your brain. I'm obviously, you know, a pro-choice person, so this is where my mind goes on these things. But all of you have these issues too whether that's gun rights or whatever.

**HILGERS:** One minute.

**HUNT:** Thank you, Mr. Speaker. How far would you let this line go for you? When we're taking DNA from innocent people, which-- which innocent people are we talking about? The people who have been caught in a net accused of a crime? Those people are still innocent. Being accused of a crime does not make you guilty. And if LB496 doesn't advance, it's not sad. It's not too bad that we didn't compromise. It's just that we don't all bat a thousand all the time. We draw a line with our principles. We can disagree. Smart people can disagree, but that doesn't mean we're not being respectful and getting along. And for those reasons, I oppose LB496 moving forward at all. Thank you, Mr. Speaker.

**HILGERS:** Thank you, Senator Hunt. Mr. Clerk, for new bills.

**ASSISTANT CLERK:** Thank you, Mr. President. New bills: LB1141 introduced by Senator Vargas. It's a bill for an act relating to appropriations, appropriates federal funds to the Commission on Public Advocacy and declares an emergency. LB1142 introduced by Senator Vargas. It's a bill for an act relating to appropriations, appropriates federal funds to Department of Economic Development and declares an emergency. LB1143 introduced by Senator Linehan. It's a bill for an act relating to Interlocal Cooperation Act, amends sections 13-809, requires approval by the voters for the issuance of certain bonds, repeals the original section and declares an emergency. LB1144 introduced by Senator Friesen. It's a bill for an act relating to telecommunications, amends sections 86-134, sections 86-1304, and 86-1306, changes discontinuance of service provisions under the Nebraska Telecommunications Regulation Act, defines terms, change

provisions of the Nebraska Broadband Bridge Act relating to grant matching funds requirements, application and award deadlines, project extensions and application scoring, harmonize provisions, and repeals the original section. LB1145 introduced by Senator Friesen. It's a bill for an act relating to public records, amends section 60-699, change provisions relating to public records regarding motor vehicle accident reports, and repeals the original section. LB1146 introduced by Senator Friesen. It's a bill for an act relating to Interlocal Cooperation Act, amends sections 13-804, 13-805, and 13-808, changes agreement provisions, provides for voter approval of agreements and project proposals, harmonize provisions, and repeals the original sections. LB1147 introduced by Senator Friesen. It's a bill for an act relating to Uniform Standard Code for Manufactured Homes and Recreational Vehicles, amends section 71-4603, redefines terms, repeals the original section. LB1148 introduced by Senator Friesen. It's a bill for an act relating to the Motor Vehicle Industry Licensing Board, and several sections of Chapter 60, provides for the employment of a hearing officer, and repeals the original section. LB1149 introduced by Senator Friesen. It's a bill for an act relating to Motor Vehicle Registration Act, amend section 60-3,191, changes the registration fee for alternative fuel-powered motor vehicles, and repeals the original section. LB1150 introduced by Senator Geist on behalf of the Performance Audit Committee as well for an act relating to the ImagiNE Nebraska Act, amend sections 77-6827 and 77-6828, changes provisions relating to the contents of applications and agreements, and repeals the original section. LB1151 introduced by Senator McCollister. It's a bill for an act relating to the Nebraska State Capitol, amends section 84-612, creates a fund, provides restrictions on the fund and provides for the transfer of funds from the Cash Reserve Fund, and repeals the original section. LB1152 introduced by Senator McCollister. It's a bill for an act relating to appropriations, appropriates funds to the Department of Administrative Services and declares an emergency. LB1153 introduced by Senator McCollister. It's a bill for an act relating to the State Electrical Act, changes the number of members of the State Electoral Board, changes qualifications for certain members of the State Electrical Board, and repeals the original section. LB1154 introduced by Senator McKinney. It's a bill for an act relating to criminal justice, amends sections 83-1,107, 83-1,114, 83-1,135 and 83-1,135.02 and 83-962, provides duties for the Department of Correctional Services, change provisions relating to good time and parole eligibility, provide for rules and regulations, provide for applicability, requires reports, harmonize provisions, and repeals the original section. LB1155 introduced by Senator John Cavanaugh. It's a bill for an act relating

to criminal procedure, amends section 29-901, requires implementation of a pilot program for pretrial release, states intent regarding appropriations, repeals the original section. LB1156 introduced by Senator McDonnell. It's a bill for an act relating to appropriations, changes appropriation of the Department of Economic Development, repeals the original section, declares an emergency. LB1157 introduced by Senator Linehan. It's a bill for an act relating to the State Department of Education, requires reporting on federal funds received in the federal American Rescue Plan Act of 2021. LB1158 introduced by Senator Sanders. It's a bill for an act relating to schools, amends section 79-530, 79-531, 79-532, and 70-533, changes provisions relating to parental involvement in educational policies, provides duties for schools and school districts, provides for withholding of funds from school districts that fail to comply, provides duties for the Commissioner of Education and county treasurer, harmonize provisions, and repeals the original section. LB1159 introduced by Senator Wishart. It's a bill for an act relating to appropriations, appropriates funds to the Department of Health and Human Services, and declares an emergency. LB1160 introduced by Senator Wishart. It's a bill for an act relating to appropriations, appropriates federal funds to the Department of Environment and Energy, and declares an emergency. LB1161 introduced by Senator Wishart. It's a bill for an act relating to appropriations, appropriates federal funds to the State Department of Education, and declares an emergency. LB1162 introduced by Senator Wishart. It's a bill for an act relating to appropriations, appropriates federal funds for the Commission of the Deaf and Hard of Hearing, and declares an emergency. LB1163 introduced by Senator Wishart. It's a bill for an act relating to the Business Innovation Act, amends sections 81-12,157, 81-12,158, 81-12,159, 81-12,160, 81-12,161, 81-12,162, and 81-12,163, changes award limitations as prescribed, states legislative intent, and repeals the original section. LB1164 introduced by Senator Wishart. It's a bill for an act relating to health and human services, states intent regarding an increase in rates for Child Welfare Aid, and declares an emergency. LB1165 introduced by Senator Sanders. It's a bill for an act relating to Nebraska Budget Act, amends sections 13-504, 13-506, and 13-508, changes provisions relating to proposed budget statement contents, certification, and adopted budget statement, and repeals the original section. LB1166 introduced by Senator Sanders. It's a bill for an act relating to One-Call Notification System Act, amends sections 76-2324 and 76-2329, changes provisions relating to liability for damage by an excavator, harmonize provisions, and repeals the original section. LB1167 introduced by Senator Flood. It's a bill for an act relating to appropriations, appropriates federal funds to the

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Department of Economic Development and to the Department of Labor and declares an emergency. LB1168 introduced by Senator Linehan. It's a bill for an act relating to revenue and taxation, amends section 77-2716, provides an income tax deduction for the cost of medical care as prescribed, and repeals the original section. LB1169 introduced by Senator Linehan. It's a bill for an act relating to the State Department of Education, requires the State Department of Education to create a loan forgiveness grant program. LB1170 introduced by Senator Sanders. It's a bill for an act relating to schools, amends section 79-2,103, requires schools to allow youth organizations to provide information, services and activities described, defines terms, requires background checks, harmonize provisions, and repeals the original section. LB1171 introduced by Senator Sanders. It's a bill for an act relating to jury selection, amends sections 25-1647, 25-1648 and 25-1678, makes the clerk of the district court ex officio jury commissioner in all counties, change provisions relating to compensation of the jury commissioner in certain counties, harmonize provisions, provides an operative date, and repeals the original section. LB1172 introduced by Senator Hilkemann. It's a bill for an act relating to appropriations, appropriates federal funds to the Department of Health and Human Services, and declares an emergency. LR27CA (SIC LR278CA) introduced by Senator Linehan. Constitutional amendment eliminating the State Board of Education, transfer the power to appoint the Commissioner of Education to the Governor and the power to issue revenue bonds to the Commissioner of Education at the direction of the Governor. That's all I have at this time, Mr. President.

**HILGERS:** Thank you, Mr. Clerk. Returning to debate on LB496. Senator Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you, Mr. Speaker. Good morning, colleagues. I rise in-- actually in support of Senator Wayne's motion in opposition to Senator-- well, actually, I don't know what Senator Hunt's amendment is, but in opposition to the underlying bill. I have several points that I've made over the course of this bill to reiterate, but I actually I'm going to take a different course this time on the microphone. In 2016, this bill was heard in front of the Judiciary Committee, and I want to read part of the transcript of Senator Chambers' questions to the representative from the AGs Office. OK. Senator Chambers: Mr. O'Brien wasn't there a case that dealt with this notion of compelling a person who's locked up to give a DNA sample and that person could not be released until after such sample had been obtained? And the court said if it goes beyond the maximum term limit that it's unconstitutional extension of the sentence. AG: There might

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be such a case, it rings a bell. Chambers: There was a case. I just-- I-- yeah, I read it, Chambers said. Chambers goes on to say, and there's still some of that in this bill right now. So there is not an automatic elimination of the statute of language that has been ruled unconstitutional. And I noticed this when I came across it, like when I came across it like this because I don't have occasion to just study all of the statutes. But you may know and you may not, I wrote the DNA statute, and when I did, I had no model. No other state had it, nor did the federal government. So I had to just bring it out of my head. And that was the law that led to the Beatrice Six being exonerated. And then Lieutenant, I mean, Attorney General Bruning, invited me to the pardoning session. I was standing right next to you. Chambers: I also wrote the laws that made it possible for the expungement and giving back of that DNA when there was no connection between the person and that DNA. And after I was out of-- after I was out of here, changes were made to the law, which would not have happened were I here. These things have an allure and they sound good, but they don't, but I'll tell you why I wrote that law, because in Omaha, they got a federal grant and it was conditioned on them obtaining as many DNA samples as they could. So they fabricated a notion of a serial rapist and they started taking DNA samples from black men not charged with any offense. What they would do is take that great big crime trailer that they had, and they'd do it on a Sunday or a holiday and park it in front of somebody's house and say, we're going to stay here until you give us a DNA sample. The man was not charged with anything, no probable cause that he was involved in, they just wanted to get it and they coerced him in-- in that fashion. They then said they wanted from OPPD, Omaha Public Power District, a DNA sample from every black employee they had. And when the company was going to talk, going to balk, the police department said, we will come back, a check-up to OPPD and we will confiscate all the files that you have and identify therefrom all the black employees you have. And we're going to take their DNA samples. They created what was called-- they created what they called a description not based on a photograph, but it was drawn in a height and it was somebody about 5'10, weighed 200 pounds, whatever it was, they had a man. One guy was 6'4, they put pressure on. One was a thin and as frail as a rail, they put pressure on. One worked in the barbershop, I used to work. He wasn't old enough. He was light-skinned. He was not tall. He didn't resemble it at all. And I objected publicly and said, I believe that there's money coming from OPPD for this--

**HILGERS:** One minute.

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**M. CAVANAUGH:** --and that's what happened. Did you say one minute? Yeah, thanks. OK, so he's-- he's describing why he enacted the DNA legislation to begin with. And I just-- I can't reiterate enough that I fundamentally disagree with voting on cloture for something that you're not going to vote for. I feel that it is disruptive to this body and to collegiality as people talk about it. I have been very upfront with Senator Hilkemann, I have the utmost respect for Senator Hilkemann. Senator Hilkemann prioritized my bill my freshman year and I am still, and forever grateful to him for that, and I won't promise him or anyone else my cloture vote because I'm not-- I don't agree with this bill, and I--

**HILGERS:** Time, Senator.

**M. CAVANAUGH:** Thank you.

**HILGERS:** Thank you, Senator Cavanaugh. Senator McCollister, you're recognized.

**McCOLLISTER:** Thank you, Mr. Speaker. Good morning, colleagues. First time I've spoken on this particular bill and I support LB496, LB496. Of the debate I've heard this morning, I think the wisest words came from Senator Wishart. This is a good bill and we need to figure out a way to get this bill passed. Yes, we need to provide safeguards to make sure that people of color aren't profiled and that DNA isn't taken prior to some legitimate process to make sure that we haven't done anything against those people. I was with Senator Hilkemann when we heard the rather profound story from Jan Sepich in 2015 at a NCSL event that we went to. And the story that she gave was-- just breaks your heart, where somebody raped and murdered her daughter. Now, where if we had this bill in place, they would have caught that person before he had done those terrible things to their daughter. So there's a compelling reason, I think, to support this bill. Now, if we can work out a fix to this bill to provide those kinds of guarantees, I would like to see that happen. So I support this bill and I'd relinquish the balance of my time to Senator Hilkemann.

**HILGERS:** Senator Hilkemann, 3:31.

**HILKEMANN:** Oh, thank you, Senator McCollister. I remember that very well when we heard that testimony of. James Tillman, who has spent 15-years falsely imprisoned, and it was-- should the DNA evidence that was found through this bill if they had it in that state when he finally got his reprieve and justice was served. I have not had an opportunity, and I wanted to say to Senator Cavanaugh that he and I

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share a favorite movie and that is, A Man For All Seasons. I have watched that movie many times. Any time it would be on, I would always watch it and still would. Love that the theology in that movie. But let me just give you some-- I said I was going to share some things. What this bill has actually done, let me talk to you about what a case that happened in Florida because they take DNA. Their bill is far more expansive than-- than the Nebraska bill. Jan Cornell prayed every day that the murder of her 11-year-old daughter, Robin, and her roommate, Lisa Story, would be brought to justice. The murders took place in 1990. She never gave up. And 26-years later, when Joseph Ziegler was arrested for an unrelated felony charge of aggravated battery and swabbed under Florida's arrestee DNA testing law, Jan saw her prayers answered. Ziegler's DNA matched the crime scene, DNA from the 1990 murders. Ziegler was arrested for those murders and is now awaiting trial. Zeigler, If he had pleaded down to misdemeanor, we'd never have had that, which happens a lot, we'd never had that DNA. So there's one example of a heinous crime, 26-years before it was solved and this DNA bill, or this practice of the DNA, helped bring that closure to that family. Thank you, Mr. Speaker.

**HILGERS:** Thank you, Senator Hilkemann and Senator McCollister. Senator DeBoer, you're recognized.

**DeBOER:** Thank you, Mr. Speaker. Yesterday, I think it was yesterday when we last talked about this bill, I didn't quite have enough time to finish what I was saying. I think some of the points that I was trying to get at have been made on this floor since then, which is to say that for me, this is about the presumption of innocence and protecting the presumption of innocence, protecting those constitutional freedoms to things like the presumption of innocence. So the question comes down to one of fact for me, and it's one that I think reasonable people can disagree upon, which is, is taking someone's DNA compulsory-- compulsorily more like a punitive action, or is it more like taking your fingerprints? And for me, it came down to the fact that I can't find any other instance where we are required to give up our DNA for other reasons in society. Fingerprints? Yes. You got to get fingerprinted to take the bar exam, you got to get fingerprinted for a lot of different kinds of things. I think foster care, I mean, a number of different things, day care, but DNA taking, we don't. And so as long as that distinction remains within our culture, this becomes a kind of a punitive act and we have a presumption of innocence. And as Senator John Cavanaugh mentioned, you know, we have to protect those even when we don't want to. People ask defense attorneys, how could you defend that guy? And a lot of lawyers, even prosecutors, will say the system needs those people to

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do that, and the system needs us to predict the presumption of innocence. And so for me, that's where it comes down. I can't vote for this bill. I-- I voted for it on General File to try and give it a chance between then and Select. But I just-- I'm, you know, I can't-- I can't see around the fact that it erodes the presumption of innocence because compulsory DNA extraction is nowhere else. So with that, I would like to yield the remainder of my time to Senator Stinner.

**HILGERS:** Senator Stinner, 2:49.

**STINNER:** Thank you, Mr. President. I have passed out and it's by the pages, a information page on ARPA eligibility checklist. And I know there's been a lot of questions about what-- what applies, what doesn't apply, how do we document that we are in conformity with the guidelines. So what we try to do is-- what I've tried to do is to put it into a checklist form. You can use that as you-- as you start to make your presentation to appropriations. This is something that that framework that we will work out of from the appropriations standpoint, and if you just look at it, it really goes through some of the elements of ARPA. It's the capital expenditure portion and then there's a public health portion and then there's a negative impact. Wherever you think your bill fits, that would be where you would check off that particular category and then negative-- the negative economic impact to class that experience, you have to decide what class. Is it a nursing home? Is it small business? What are you trying to accomplish with your bill? And so that's where you would probably drop in, not for profit, etcetera. What harm did the identified class suffer due to COVID? And I expect to have some-- some analysis on numbers, number of people, dollars, etcetera. So you could collect the data and we could say, aha, there was an economic impact. This is how much the net economic impact was. And then, of course, explain how your proposal is a response to those negative impacts. I think it's helpful. I'm going to also try to provide it to the lobbyists because a lot of our bills are actually--

**HILGERS:** One minute.

**STINNER:** --start at the lobby level. So hopefully this will be helpful that you can fill this out and maybe even present it to the committee to help-- help document. But this is our documentation of our understanding of your bill. And of course, then we'll score it and try to-- try to figure out what fits and what doesn't fit. Thank you, Mr. President.

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**HILGERS:** Thank you, Senator Stinner and Senator DeBoer. Senator Matt Hansen, you're recognized.

**M. HANSEN:** Thank you, Mr. President, and good morning again, colleagues. I want to kind of address kind of two things on this turn at the mike. One is, the kind of notion of compromise on this bill. I've talked with some of the fellows, senators opposing this bill, not all of them. I've talked with a couple of people who have approached me who support this bill and asked, like, we know what could a compromise look like or what could we get to? And for me, the problem with that is we already have such a clear and good current law, and this expansion is the issue, and I'm trying to find some sort of way of rectifying a way that you can improve current law without stepping over the line to infringing upon Fourth Amendment rights. And that's where I don't know if there's room there because I think our current law is pretty assertive and is pretty aggressive. I don't know of a way to improve that without crossing a line for me. I'm open to suggestions. I'm open to other senators talking about it. But as it exists today, as it exists in this form, that's the concern I have, because again, colleagues we've established convicted of a felony can get DNA. Search warrant after a hearing in court can get DNA. You can get the DNA, one, necessary and one proved, and one there's been a hearing in front of a judge. This flips it on its head and you say you get the DNA before the hearing in front of a judge and maybe after the hearing we'll destroy it if everything goes your way. And it's for me, it's that, it's that flip. It's that-- it's that we're going from the state having to prove their case and get a confirmation in a public hearing in a court of law to the state doesn't. It has to just necessarily be the allegation and the probable cause standard at the jail in the middle of the night. And that's the problem I'm struggling with. I think there are some probably safeguards that if I described them and said, hey, what if we waited until they've gone in front of a hearing? Hey, what if we waited until this happened or not happened? People might like that. But the problem is, that's current law, so I don't have the ability to compromise that. I don't have the ability to say what-- what's putting them in front of a judge first, and the judge can decide because that's where we are now. And so I don't have much room to negotiate on this particular line. For me the, the fundamental thing is in our checks and balances on our judicial system is that when you are going to do a search like this that you have the kind of the evidentiary hearing in front of a judge. First, you let it go through court and decide, is this sort-- search supported by probable cause? You know what are our aims? You know, is it-- is it-- is it narrowly tailored in all the things we have to do. And that is

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why I struggle with this issue and struggle when people ask, you know, let's compromise, let's get something done. And for me, just the-- just-- that's the crux. Honestly, I haven't talked to this about anybody else, but Senator DeBoer's comments made me think that if we as a state of Nebraska started DNA swabbing everybody we fingerprinted, you know, concealed-carry applicants, law school applicants, I think people who work in care homes, that would honestly make me feel better because it wouldn't at least be singling out, you know, groups. It would be a broad base of our-- our state. I don't necessarily know if I would support that, but that would at least make me feel better about the intent and impact of saying no, we as a state do truly believe it's equivalent to fingerprints, and we're holding it as the same standard in fingerprints in all of these instances. But instead, we're limiting it to people who have been arrested. But people who have been arrested already have options to have it recorded. So we're then even expanding and flipping it. And for me, it's those moving parts.

**HILGERS:** One minute.

**M. HANSEN:** Thank you, Mr. President. It's those moving parts that make it hard for me to come up with even a suggestion of a compromise in this bill because I think the current law is great. I think we have the opportunity to collect DNA when needed after kind of everyone has had their moment in court, after there has been a moment of pause and then, is this search valid? Is this search worthy? And that's an opportunity we have. I said I wanted to talk about two things on this microphone. I guess I just got through one in my turn. But again, I would love to have a solution here. But the problem is the compromise in my mind is current law, and that doesn't give us anything to move forward with. So with that, thank you, Mr. President.

**HILGERS:** Thank you, Senator Hansen. Senator Hilkemann, you're recognized.

**HILKEMANN:** Thank you, Mr. Speaker. First of all, I want to say to Senator Machaela Cavanaugh, and you've read the 2016 transcripts of this bill when we-- when I brought it for the very first time to Judiciary. This bill is substantially or is significantly different than the bill that we brought in 2016. This is much more focused bill than what was there and part of it was as a result of those hearings that we had in 2016, there was a significant change in this bill. And specifically, we wanted to make sure that this bill would be constitutional in regards to Maryland v. King. And I am so appreciative of Senator Lathrop and his hard work with the committee

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to make sure that this bill was within what happened in Maryland v. King. Let me just share another-- several other examples of how this bill is working, just as it was prescribed. New Mexico. This is referred to as Katie's law, Katie Sepich that Senator McCollister, or Jayann Sepich, the mother of Katie, they're from New Mexico. Over 1,400 cold cases have had been-- had their match from the felony arrest DNA. The first match was to the first sample taken under the new law, which was taken one hour and 14 minutes after the law took effect. It matched a double homicide. James Mancuso has since been convicted of both of those murders. Kevin Diaz was arrested for burglary and his DNA matched to a rape and murder of an 11-year-old girl. The match also exonerated Robert Gonzalez, who had been jailed for over two years awaiting trial for that murder. JaDia Rose was arrested in April 2014 for embezzlement of a motor vehicle. His DNA was taken under Katie's law, and it matched to the DNA found on a bloody Band-Aid at the scene of the 1996 murder of Richard Braddock, who had been murdered on his 44th birthday. Until Rose was arrested, Braddock's murder had gone unsolved for over 20 years. When confronted with the DNA evidence, Rose confessed to that murder. Colorado has this law. It was implemented in September of 2010. Since that time, 40 cold cases were matched to arrestee DNA samples. In the very first four months, nine of which run cold case rapes. Robert Howard Bruce was arrested in Colorado for a felony, and his DNA taken. His DNA matched to several cold case rapes and as a result of this DNA match, Bruce has been convicted of five counts of rape, 10 counts of burglary, two counts of sexual battery and one count of forcible sodomy in Oklahoma, dating back to 1985. He has also been convicted of eight counts of rape in New Mexico, going back to 1991. William Costello, a successful real estate broker with powerful political ties in Colorado, was arrested for felony assault after a political argument which resulted in an elderly man breaking his hip. Under this Katie's law, his DNA was taken and it matched the crime scene DNA and the rape of three teenage girls, one as young as 13. Costello was arrested for those crimes, committed suicide in custody awaiting trial. Those are some samples, real time samples. Not the most pleasant things to hear. This bill, if enacted, will move Nebraska to the 21st century. It will help law enforcement do their job better. 31 states have this bill. It is doing exactly what we want it to do. We are finding people that have been falsely convicted. We're finding people who've never been convicted and--

**HILGERS:** That's time, Senator.

**HILKEMANN:** Thank you.

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**HILGERS:** Thank you, Senator Hilkemann. Senator McKinney, you're recognized.

**McKINNEY:** Thank you, Mr. Speaker. I rise in opposition to LB496. And I've just been sitting listening to the testimony, and I got to thinking this-- the philosophy around pushing a bill to catch a serial rapist, but ignoring the fact that it would disproportionately affect a large population of our communities is why our prisons are overcrowded today and disproportionately represent individuals from my community, in Senator Wayne's community, Senator Aguilar's, and Senator Vargas' community. That's the problem here. It's not that we're standing up saying we don't want to catch serial rapists, that's-- that's not the argument. We're talking about the unintended consequences of passing a law like this. And that's what a lot of individuals are ignoring. This would disproportionately harm so many people, and so many people are okay with it and then we're wondering why the Governor wants to build another prison in our state. We're wondering why we have a prison overcrowding crisis. Things like this creates that. And that's what we need to think about. Think about the long game here, and we're not. It just doesn't make sense to me that the police will essentially be granted authority-- is going to happen. I'm almost sure is going to happen, especially in my community to charge people with trumped up charges just to collect their DNA and justify it that way. Oh, it's the law. Nothing's wrong with this. It's the law. We could do it. And then somebody, somebody has to fight in court to, to fight that charge. And they're not even guilty of the charge, but the police just wants to arrest them just to collect their DNA because maybe in the future they might do something. They might potentially be a harm or a violent person. They might be guilty by association. They might live in a violent neighborhood, so let's arrest them to get their DNA. So in the future, we can arrest them. That is what's going to happen. And the thinking behind this is why our prisons are overcrowded. It happened in the '90s. It was an overreaction to the, the crack epidemic. And instead of offering drug treatment and provide more resources to communities affected by the, by the crack epidemic, our country and a lot of leaders in our country across the board wanted to be tough on crime and mass arrest people. And now we're faced with the decision to build a prison, not build a prison. Do some reforms, not do some reforms. That's the thinking behind this. And I understand nobody wants a serial rapist in our community. Not me, not Senator Hilkemann, and not anybody else. But we got to think about the unintended consequences of passing a law like this, which the data shows is going to disproportionately affect many people. We cannot ignore that fact. And if we ignore that fact, we

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might as well just stand up and say I'm OK with a disproportionate amount of black people being in the State Penitentiary in the state of Nebraska. Just stand up and say it. Thank you.

**HILGERS:** Thank you, Senator McKinney. Senator John Cavanaugh, you're recognized.

**J. CAVANAUGH:** Thank you, Mr. Speaker. So I kind of wanted to circle back to some of the things that people have been talking about. One of them specifically was-- there's been a lot of conversation and I've had a lot of people ask me off the mike about the difference between DNA and fingerprints. And Senator Matt Hansen talked about that before, but I think it bears repeating. So fingerprints, we think are unique identifiers to an individual. DNA is-- what they do is they'll go swab the inside of your cheek, called the buccal swab, right, they take a Q-Tip, a long Q-Tip, kind of-- well, now we're all familiar with like the COVID test, right, the thing they stick up your nose, but they stick it inside your cheek and they swab it around and get some DNA, and then they put it in the thing, so it has to be sterile in, in a sort of a clinical way. And so that differs, I think Senator Matt Hansen talked about just the, the difference in terms of how they collect it. Right? But the information available as a result of that collection, that search, is different. Right? So with fingerprints, the, the-- it's just that visual image of the, the finger pads and then they match that against their records for record keeping for the identity of people that they have in detention, which they do not do for DNA. Right? So they don't collect DNA for that purpose, that ministerial purpose for identifying individuals in custody. But two, DNA, as we all know, as Senator Hansen pointed out, people are sending away their DNA currently by choice, right, to 23andMe and Ancestry and other things like that, where they are getting-- finding out where their ancestors come from, which country, continent, region. You can find out relatives, cousins, parents, aunts and uncles, siblings, children. So it tells-- DNA holds more information than just the individual's identity. It carries family identity. It carries all of the family information with it. It also has the ability to be used to identify predisposition, genetic predisposition to certain diseases, ailments, cancers. And it sounds like now they can use it for food allergies and things like that. So there's a huge amount of information that is stored within our DNA that is captured when they stick that swab in somebody's mouth and they, they swab it around and that, under this bill, that information is going to be captured by the government without probable cause, without a reason for capturing it. And so I wanted to revisit all of that because I wanted to talk about, there's a, a Supreme Court case that is about cell phones and searches

called Riley v. California. And in that case, the individual was arrested and he was in the kind of common parlance a known gang member and they wanted to find out if he was involved in any gang-related activity, which some would say, OK, that's an admirable objective like we're talking about in this case, where the objective the end is to find out if he was involved in any drive-bys or anything like that. And so the police arrested him for some driving offenses. They searched him and then they take his cell phone and they search his cell phone. This case went to the United States Supreme Court, and there is a principle in law that's called a search incident to arrest, which is one of the exceptions to the warrant search, right, where they can search people. They can-- it's a pat down. They search your car. They search things that you can reach to-- searching for evidence of the crime for which you are suspected. So again, we're talking about a particularized search still relevant to a case for which they have a reason to search. Again, that is a warrantless exception, but it has the standard where they have to have a reason for that particular search.

**HILGERS:** One minute.

**J. CAVANAUGH:** So the police search this man incident to that, that arrest, they search his cell phone. I'll get to the point here. The Supreme Court said: Regarding any privacy interest retained by the individual after an arrest as significantly diminishes the facts-- by the fact of the arrest itself. Cell phones, however, place vast quantities of personal information literally in the hands of individuals. A search of information on a cell phone bears little resemblance to the type of brief physical search considered. So what they're saying is when there is way more information being captured, there is a higher standard for that search and that is what DNA is. There is a lot of information in your DNA, should be held to a higher standard than some other searches. And in this case, we cannot let the ends justify the means of degrading the Fourth Amendment and searching individuals and capturing all of their personal, family, medical-- potential medical information as a result of our desire to get to the end that we are talking about here. And so there is a substantial difference between fingerprints and DNA.

**HILGERS:** Time, Senator.

**J. CAVANAUGH:** Thank you, Mr.--

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**HILGERS:** Thank you, Senator Cavanaugh. Senator Hunt, you're recognized. I don't see Senator Hunt on the floor. We'll turn to the next speaker in the queue. Senator Brandt, you're recognized.

**BRANDT:** Thank you, Mr. Speaker. Thank you, Senator Hilkemann for bringing LB496, which I fully support. I would ask Senator John Cavanaugh, if he would answer some questions?

**HILGERS:** Senator John Cavanaugh, will you yield?

**J. CAVANAUGH:** Yes.

**BRANDT:** Senator Cavanaugh, today we fingerprint daycare workers in the state of Nebraska. People that are going to work in daycare centers, our own daycare centers. Are you opposed to that?

**J. CAVANAUGH:** Well, I would say there's a distinction between voluntary fingerprinting and mandatory fingerprinting.

**BRANDT:** And what is that distinction?

**J. CAVANAUGH:** Well, technically, which is what we're talking about here, you are not obligated to work in a daycare facility. So to get the job there, you do have to get fingerprinted. But I would say I'm not opposed to that.

**BRANDT:** Today, we photograph people that are logged into jail. So last night, some, some individuals got caught. In today's Lincoln paper or Omaha paper or, or any of the daily papers in the state, quite often there's a photograph accompanied with that. Are you opposed to that?

**J. CAVANAUGH:** Well, I don't think we should be publishing those in the paper, but that's a different question. But again, what I just talked about is there's a ministerial purpose to the photographing, the fingerprinting at the jail at the booking for purposes of identification, which is a distinct-- distinguished from what we're talking about in this case.

**BRANDT:** Next one. We published the name of people who are-- who were caught last night. That's in the paper. Are you opposed to that?

**J. CAVANAUGH:** Publishing the names?

**BRANDT:** Yep.

**J. CAVANAUGH:** I don't think that we should be actively putting out information about pending cases. No.

**BRANDT:** There are 31 states that currently have a law like this, do you think that's a violation of the constitution?

**J. CAVANAUGH:** I would have to look at each individual state, but the ones that I have looked at, I, I think a search without a particularized reason, without probable cause, that is just wanting to capture information for the purpose of testing it for a later investigation, does violate the constitution. Yes.

**BRANDT:** So if Nebraska were to pass LB496, you believe it would be unconstitutional?

**J. CAVANAUGH:** I do. I would say the Supreme Court currently doesn't agree with me.

**BRANDT:** OK. Thank you, Senator Cavanaugh. I appreciate that and I appreciate you answering my questions. For those of you that do not know, Senator Cavanaugh has a, a vast background in, in the courts in criminal law. The law that Senator Hilkemann is proposing does have a way to remove your DNA. The opponents to this law don't like the method that's used, but if upon getting booked into the system, you have your trial, you're found innocent, there is a way to get your DNA out of the system. And this is quite often after your picture has been published in the newspaper, your name has been published in the newspaper and you've been fingerprinted. So we are-- we as a society are catching up with the technology that we have today, and that technology is, is DNA. DNA today in Nebraska is collected upon conviction of all felonies. I have the opportunity to serve on the Judiciary Committee. And I can tell you as a farmer, I've learned a great deal in, in the three, four years that I've been on there. We have four different classes of felonies, the least of which is the Class IV felony, which is the lowest of felonies. Previously, Senator Wayne had talked about marijuana. Yeah, guess what, if you're a Class IV felony on marijuana, your DNA is being collected today. So what this bill is about is balancing the rights of the individual with justice for the victims of crime. The Supreme Court--

**HILGERS:** One minute.

**BRANDT:** --the Supreme Court has already ruled that this is reasonable through the case Maryland v. King. So with, with some of those facts,

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I guess, I would encourage my colleagues to support LB496. Thank you, Mr. Speaker.

**HILGERS:** Thank you, Senator Brandt and Senator John Cavanaugh. Senator Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you, Mr. Speaker. Colleagues, I, I-- what Senator Hilkemann said about the bill from 2016 is, is accurate, and I'm sorry that I didn't make that clarification when I was speaking. It was-- it has changed since then. What I was reading from Senator Chambers' remarks was about sort of the history of DNA collection in Nebraska and how there used to be no regulation and how that looked when it was pretty much unregulated of racial profiling and really being disruptive to how a society should function. So there are ways to get your DNA removed from the system. And yes, as Senator Brandt said, I don't like them. They are cumbersome. They can be expensive. The onus is put upon the person whose DNA was taken unnecessarily. And so to require them to go through all of that bureaucracy is, is not really OK with me. And the answer, the compromise is to continue doing what we're doing now, which is collecting DNA after all of the proper steps have been gone through and using it at that time and putting it in the national registry at that time, not putting it in the national registry carte blanche for no reason. Now there may be a reason down the road, but there's not a reason at that moment. And what we're doing here is eliminating the time between the arrest and due process and assuming that due process happens at the time of arrest, which that's not-- it's not a, it's not a condi-- or criticism on, on our justice system or our police force, but that isn't due process. Due process is the whole process that you go through to get to the courtroom to have the hearing. The presumption of innocence until proven guilty. And the, the compromise is continuing to do what we're doing now because what we're doing now yields the end result that's the same, that's desired, and also maintains individual's constitutional rights. I hate saying that something that somebody has brought is unnecessary, but if you're going to harangue me over a compromise, then my answer is this is unnecessary because the compromise is what we currently do. We are trying to expand the discretion of our law enforcement and our justice system and we are diluting our process, an individual's rights, and I am going to stand firm in my opposition to this now. I'm going to stand firm in my opposition to this on Final. So I guess I just put a plea out to my colleagues. If you're not going to vote for this bill, if you're not going to vote for this bill when it's on Final Reading and goes to cloture, if you're not going to do a cloture vote then, I don't know what favors you're doing to Senator Hilkemann because the compromise

is doing what we do now. So don't ask about any more compromises because we do it. We do this. We do this. This is an expansion of policing--

**HILGERS:** One minute.

**M. CAVANAUGH:** --authority and a diminishing of individual rights. So when we get to justice reform and racial equity, where are you going to be on those things depending on if you like the introducer? Are people's civil liberties less important than your friendships? I mean, Christmas would be awkward, but if this was my brother's bill, I'd still be doing the same thing. I suppose he's forced to still like me or at least love me, he doesn't have to like me, but I just-- liking someone is not a good enough reason to take away people's civil rights. Thank you.

**HILGERS:** Thank you, Senator Cavanaugh. Senator Lindstrom, you're recognized.

**LINDSTROM:** Thank you, Mr. Speaker. I yield my time to Senator Hilkemann.

**HILGERS:** Senator Hilkemann, 4:56.

**HILKEMANN:** Thank you, Senator Lindstrom. I appreciate this opportunity. I got several things I'm going to say. First of all, earlier, Senator Cavanaugh talked about this system and 23andMe or the DNA that you send in. Folks, it's not even close. The CODIS system connects 20 markers of over three billion in the DNA. From those 20 markers, the only thing that can be identified is the sex of the individual. It has-- it does not say anything about race, nationality, anything else like that, anything of, of your-- it only could tell the sex of the individual. Then if this screening CODIS, these 20 markers are identified with another system, another test or screening, there is more substantial checking done of the DNA, and it's only, it is only if there is an exact match do they ever release the name of the person whose DNA that is or give it any of the identifying characters. This is the very-- this is a whole different status than sending in your, your DNA to 23andMe. And then the question came is what, what Senator Cavanaugh was asked if he said that this bill would be unconstitutional. I want to thank the committee, the Judiciary Committee and the leadership of Senator Lathrop. They worked to get this bill similar so that it, it, it-- that they-- there was the challenge of Maryland v. King. I made some comp-- I made concessions to the committee so that it would fall in line and be exactly in line

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with Maryland v. King. That decision has been-- court's decisions can be challenged again. But 31 states have this bill or which-- and some of them are far more strict than Nebraska's, and those have-- if, if-- we have not had mass-- to my knowledge, mass challenges of these bills. And so I want you to take that into consideration. I want to talk to you about California. California is an interesting state. This bill-- DNA was actually put into place by a vote of the people, Proposition 69, 62 to 38 percent in 2004. The people voted to add this to their, their law. Since that time, a man arrested for receiving stolen property was swabbed with DNA. It matched the DNA found at the scene of a 1977 rape and murder of an 80-year-old woman. The 2004 cold case murder of Juanita Johnson was solved when her killer was required to submit DNA when he was arrested for a domestic violence charge. He has since been tried and convicted for Johnson's murder. Donald Carter was convicted of the 1989 murder of Sophia McAllister after he was arrested for a narcotics charge. His DNA matched--

**HILGERS:** One minute.

**HILKEMANN:** --crime scene DNA found at the scene of McAllister's murder. Christopher Rogers was arrested April 2009 in Sacramento for assault with a deadly weapon, a charge that was ultimately reduced to a misdemeanor. The conviction of this misdemeanor would not have required him to give up his DNA, but his DNA collected at the time of his felony arrest was matched to DNA taken at the scene of a 2004 murder in Sacramento, and Rogers was convicted of that. This is working. It is needed in Nebraska. If not now, when? Thank you, Mr. Speaker.

**HILGERS:** Thank you, Senator Hilkemann and Senator Lindstrom. Senator Matt Hansen, you're recognized. This your third opportunity.

**M. HANSEN:** Thank you, Mr. President. Colleagues, again, kind of the fundamental issue is that this is a search without a search warrant for no particular reason or cause other than we are suspicious of this person. Not for any particular crime, not for any particular thing, it's just saying, hey, we don't like this person. We think they have done something improper. They've not been convicted yet. They've not had any hearing in front of a judge yet. But we-- we are, we are questionable about them enough that we want to take their DNA and test just to check. Colleagues, we already have the opportunity to take this upon conviction. We have already have the opportunity to take this upon a warrant. There's, I think, even another mechanism or so to get there. There are ways to get DNA of suspects in a crime. This is to take DNA in cases where it is not needed for the crime they are

being convicted of or charged with then. As we've established, you know, burglary is one of these crimes, a lot of these crimes, sure, you know, are, are a violent crime, assault, others. In these instances when you have that, you're generally relying on a witness. You are being charged because you got into a fight and somebody saw and called the police, you're being charged with burglary because you were caught on property you weren't supposed to be on. You don't need DNA evidence in most burglary cases. And if you did, they would be able to get a warrant and search for it to confirm. This is just DNA for the sake of collecting DNA. And yes, if we had a comprehensive database of DNA of everyone, we would be able to close cases faster. That was the point of Senator Hunt's AM1283. If the whole purpose is just to close cases faster and people genuinely don't care about giving up their DNA, let's just take it from everyone and we will know. It's the same principle. We could do all sorts of different principles of if we just fingerprinted every person right away, we would be able to solve crimes faster. There wouldn't be any gaps in the fingerprint database. That's not something we do. That's, that's-- these aren't things that we do. We do it in times when it is necessary and we do it in times when there has been reason. You know, we've talked about some of the fingerprinting requirements that we currently have in statute. That's again, kind of furthering my point is, yes, you have to get fingerprinted for licenses. I had to get fingerprinted when I applied for the bar exam. I didn't have to get cheek swabbed. I didn't have to get DNA tested. I didn't have to go into a database with my DNA. If we are serious, maybe we should start making this as a part of occupational licensing. Maybe we should take cheek swabs of people in regulated professions because that would help us close crimes too. Honestly, if this goes forward, I might want to make a point in that and some other bills that when we update fingerprinting requirements, we add DNA cheek swabs too. Because if we are saying that having a comprehensive DNA database of everyone regardless of whether or not they're tied to a specific crime for which DNA is helpful, would close cases and that is the top priority of the state, like, we can design that system, but most people are going to feel that's a pretty strong breach of their civil rights. Most people are going to feel pretty invaded by the government mandatorily taking their DNA. I understand the cases where there's DNA evidence in a crime and you want to confirm a suspect, comparing the DNA makes sense. I understand. And we have processes for that now. There are opportunities for that now. This is to stop speculative searches that don't have any relevance. This is like saying, again, if we wanted to solve crimes, we could just say that anytime you get arrested, you turn over all of your phone records and we get to search your phone--

**HILGERS:** One minute.

**M. HANSEN:** --just in case you've got something on there you shouldn't have. We could do that with, you know, anytime time you get arrested, we can search, you know, all of your house regardless of whether or not you got arrested at your house. These are trends we could do that would solve all sorts of crimes. And I imagine the Supreme Court might feel differently about these than DNA, but that's kind of like the premise we're starting with is if we're just going to search people on the chance that they might have committed a different crime some other time and place and we just want to be sure, like we can do that for people, but that's a big change. This isn't like we suspect you in this crime and we want your evidence-- DNA to compare it to the scene. This is we just suspect you, in general, and we want to track you just in case something isn't going right. And that's, that's kind of the fundamental bridge that I struggle with getting over. Thank you, Mr. President.

**HILGERS:** Thank you, Senator Hansen. Senator Hilkemann, you're recognized, and this is your third opportunity.

**HILKEMANN:** Thank you, Mr. Speaker. Since this is my third opportunity, probably the last time I'm going to be talking about this bill before we go to the cloture vote. One of our senators asked me why I'm so passionate about this bill because I brought it in '19-- or in, in '16? When I heard James Tillman's testimony about spending 15 years in prison unnecessarily, when I heard Jayann Sepich share her story of their daughter Katie, I got real interested in what this bill could be. And so I studied that bill. I brought it in '16. We needed a lot of work on it. And so we brought it again this year. You know, I brought it because I believe it's right for Nebraska. It has worked in other states. I, I do not know who's going to be exonerated as a result of this, but I'll bet you someone in the state of Nebraska will be exonerated for-- who has sat in prison. Can you think about the Beatrice 6, all the years that they spent in prison? We're going to have some unsolved cases that will be solved that police have, have spent hours and years trying to solve. They'll be solved. We may have a serial person out there who may be stopped before they continue to do their heinous crime to someone else. To me, that makes good sense and I have seen personally what it does to families who have unsolved murders. Just ask my cousin's wife. My cousin is no longer with us. I think his life was shortened because of the pain, not knowing what happened to his 38-year-old son. He had closure when they finally solved that case six years later. So that's why I believe the positives. I, I really get it. I've waded through some of these

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arguments that have been done here today, but I believe we're, we're-- that, that this-- I always say, you sort, sort of have to work to get there to do this. I mean, it's a pretty specific list of crimes. If you're not planning to assault someone, rape somebody, or kill somebody, you don't have to worry about this bill. Folks, it's good legislation. It is working. It can work here in Nebraska. I think that we'll go back over the years and we find-- I know that, that Douglas County has already had similar cases that they could have-- wished that they would have had. Let's be smart. Let's be smart, let's use 21st century technology. And as my dear friend, Jim Davis, one of the most prominent--

**HILGERS:** One minute.

**HILKEMANN:** --defense attorneys in Omaha said: It's not a matter of if we should have this law. It's why haven't we had this law? Folks, it's time. It's time. And I ask you, if you had an unsolved crime in your family, wouldn't you want to have every resource available, legal resource available? This has been challenged and it has overcome a Supreme Court challenge. Folks, I ask for your vote for cloture and then the underlying bill.

**HILGERS:** That's time, Senator. Thank you, Senator Hilkemann. Senator Wayne, you're recognized.

**WAYNE:** Thank you, Mr. President. Clients-- clients-- colleagues, I'm, I'm just struggling. I'm struggling because the arguments that I'm hearing is fingerprints the same as DNA? Senator Brandt, it's not. Your fingerprint is unique to you. Your DNA is unique to your entire bloodline. Completely different. And to put those two in the same category is fundamentally wrong. But here's what's bothering me, and I just got a text from somebody. The text is really-- this person was-- has been anti-school choice, and we've always gone back and forth, but what's, what's ironic is when it came to the school choice about giving low-income black and brown kids scholarships, nobody wanted to move it to the next level, give them a cloture vote so we can work on amendments. But when it comes to taking, which we all agree are over-policed and overcharged, low-income black and brown people, let's collect their DNA. And we're going to give it another chance to get to Final Reading to work on amendments, etcetera, etcetera. But what's interesting is there isn't-- there can't be an amendment on Final Reading. We have to pull it back to Select and redo this whole thing again. We are, we are wasting time, which is fine by me, but the, but the chance of this racial disparity in this bill, and I'm calling out Dems on this, you vote for cloture, I'm-- it's going to be a long

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session, and I feel the same way about the prison. And it's not bullying, it's not threatening. I'm just saying you can't be an ally when it's convenient. I've said from day one, you have to start being uncomfortable. You have to start getting comfortable with being uncomfortable. And if you weren't for school choice and principles and we've had multiple arguments about that on the sidelines and I still sit down and talk to both Cavanaugh's to this day. They had an argument, they stick to it, they're consistent. I love it. Not agree with it, but I love where they are. I can't see how you're for criminal justice reform and keeping people out of the system when you're going to allow arbitrarily this to happen. And it is arbitrary because you cannot remove your DNA if you plead down to a crime. So let's say this, you get pulled over, as Senator Brandt wants to use marijuana, and you find out that it wasn't marijuana or half of it wasn't, or you're, you're below less than an ounce. That's a ticketable offense. You plead down to a ticket, your DNA is still in the federal database because what I've yet to see Senator Hilkemann admit to, is in the federal database, the only way you can get this removed is if you're pardoned or you're found not guilty. If you plead down in the federal database, you are still there, you're still in the system. Now, he won't admit to that. He's talking about the state system, but he hasn't set aside money to allow an attorney to go in and get you out. So don't, don't come to me later when we're talking about the north Omaha plan, and I don't care if you vote against it at this point, don't be an ally when it's convenient, be an ally when it's not convenient, be an ally when you're bill that Senator Hilkemann might not vote for because he's upset--

**HILGERS:** One minute.

**WAYNE:** --is on the floor. Don't say you need it for criminal justice reform or some other bill you may need on your side of the aisle and that's why you're giving him a cloture vote. You're playing with people's lives. You're playing with the community's life and being nice on the floor has never worked out. We've passed some bad legislation because we're being nice. We give them a cloture vote. And then all of a sudden there's another deal worked out where they have enough, they have enough votes to move the bill all the way through. And everybody's like, man, I, I wish I wouldn't have did that. You know how I know, because that's how I be black kids got out of committee. Senator Groene's bill. I voted for it being nice to pull it. Then I had a fight on the floor and almost lost. I'll never make that mistake again. Being nice doesn't work. The nicest thing you can do--

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**HILGERS:** That's time, Senator.

**WAYNE:** --is say you don't support the bill. Thank you.

**HILGERS:** Thank you, Senator Wayne. Senator John Cavanaugh, you're recognized.

**J. CAVANAUGH:** Thank you, Mr. Speaker. Just on the record, I, I do appreciate Senator Wayne's passion and positions, even when we disagree as well. So there-- I wanted to address some of the things that have been said recently. So there's talk about-- I talked about all the information that's in your DNA that is captured and that correct, currently, the CODIS system is not intentionally using all that other information. However, that information is captured when you search someone. When you stick that swab in their mouth and you take their DNA sample, all of that potential information is captured, whether using that CODIS database or not. And I say that because when Senator Hilkemann pointed out that CODIS uses the 20 loci currently, that jumped out at me and I said myself when I started out CODIS used 13 loci. So loci, I guess, is the plural. So it's-- sorry, my Latin is rusty, I guess. So I looked up on the-- this is the FBI's website about updates to the CODIS database. The FBI laboratory recently announced an expansion of the original 13 Short Tandem Repeat, STR, loci that have been the core of the National DNA Index System, NDIS, since 1997. Selection-- selections and implementations of expanded CODIS core loci in the United States forensics, seven additional STR loci were selected by CODIS core loci working group and the following implementation phase concluded on January 1, 2017, will be required to upload and searching DNA profiles in NDIS. Collectively, these loci provide greater discrimination potential for human identification, application, and enhanced kinship analysis typically used in mining-- missing person inquiries So what it's-- what that says, in short, is due to advancements in technology, CODIS has expanded the amount of information over the years that they use, they keep, and they-- and that they share. And they use it not just for identification of the individual, but for kinship, kinship, for everybody, family, right? So it's information about who your family is. So when they capture information about someone, put it into CODIS, they can-- they will use that for familial identification, which is exactly one of the problems we've been talking about here. But my point is that as the technology advances, as we find more uses and we, we convince ourselves of the benefits of that use, we will expand the things we are capturing, keeping, searching. And so you cannot swab somebody's mouth without capturing all of that other information and just get this stuff that you are talking about here. So the argument that this is minimally

invasive into the only 20 loci is a fallacy. It is-- they are capturing all that information. They are only uploading or putting into CODIS currently the 20 loci. There are going to be times in the future where they will expand it. I would even read you from Maryland v. King, where the court said: The DNA parts do not reveal arrestees' genetic traits and are unlikely to reveal any prior medical information. Even if they could provide such information, they are not in fact tested for that end. So what they're saying is that they could be there, they're just not currently doing it. And so I've read Maryland v. King, I've pointed out the fact that the Supreme Court doesn't agree with me. I've read you parts of the Nebraska Supreme Court case where the court has held that we have the ability to extend further protection to our citizens than the U.S. Constitution currently does. I'm-- that is my point is that though the U.S. Supreme Court currently disagrees with me, although they might come around, one, this court is different, I would point out that the dissent in Maryland v. King was written by Scalia, who is no longer on the court, but I--

**HILGERS:** One minute.

**J. CAVANAUGH:** --think some of you would agree that his principles have maybe even expanded in the court. But we have the opportunity to not make a mistake here where we may be making a mistake that will have ramifications down the road where we are capturing information of people without a reason, without a justification, and it will become more expansive collection of information as time goes on as technology advances, as justifications advance. And that is the problem with eroding something with good intentions. We cannot let the ends justify the means. We cannot erode our constitutional protections because we like the outcome. We have to use due process. We have to use reason when we are choosing to invade people's personal spaces, invade people's privacy. And we do have a problem in this country where we have-- we want to pursue people to the extreme at the expense of everyone's liberty, and so-- I think I'm about out of time.

**HILGERS:** That's time, Senator.

**J. CAVANAUGH:** Thank you, Mr. Speaker.

**HILGERS:** Thank you, Senator Cavanaugh, and that was your third opportunity. Senator Hunt, you're recognized.

**HUNT:** Thank you, Mr. Speaker. Senator Hilkemann made a point about the funds that would be used for a-- for LB496 and the criticisms that

opponents to the bill have made about the cost to taxpayers of nearly \$2 million in the next two years, \$2 million of Nebraska taxpayer funds spent explicitly collecting the DNA of innocent people. When we know that we have a backlog of sexual assault kits, rape kits in Nebraska that we have not been able to allocate funds to test, how many cold cases, how many people do you think we could catch if we tested that DNA? There's been extensive reporting and documentation as well about rape kits that are left untested for so long that the evidence is no longer usable. And then the state and, and the justice system misses an opportunity to bring justice for that survivor and to take a dangerous person off the street. So if-- you know, it doesn't make any logical sense for me to say it's OK if we spend this \$2 million because it might prevent some crimes or it might help catch some people who committed crimes, but we can't spend \$2 million on a system that we already have. I have a problem with government increasing bureaucracy. And that's something that to me LB496 does. The more papers that need to get filed and pushed around, the more forms that need to be filled out, even for somebody who's exonerated of a conviction or found not guilty or doesn't end up getting charged, for them to remove their DNA from this database that the state would be keeping it in, is onerous. It's a pain. It's a chore. Nebraskans and my constituents have never asked me for more forms to fill out. They've never asked me for more chores to do or papers to file with government. And that's, that's what this bill does, too, is it creates a lot of extra bureaucracy in a system that's not really asking for it where it's not really needed. I just don't trust it. I don't see how anyone in this body could trust this when we're not accounting for human error and the potential of someone to be wrongfully convicted of a crime that they didn't do. There's potential for someone to be wrongfully convicted, and we're OK with it just because we think people should be swabbed for DNA. Senator Matt Hansen was correct in the points that he made. There's no compromise here because the compromise is the existing law. People get their DNA taken when they're convicted of a felony. That was Senator Avery's bill a long time ago. People have the opportunity to see if their DNA can exonerate them thanks to a bill from Senator Pansing Brooks and Senator Chambers. How does it make sense in Nebraska for us to all say, for law enforcement to look through my desk or to look through my cell phone or to come in my house and look through my things or go to my, my farmland and my property and dig up my-- all my property and look for evidence that you have to have a warrant to do that. But to swab my cheek and take my DNA and keep it forever, you just have to be accused of a crime. Being accused of a crime doesn't make you guilty. And we know that wrongful convictions happen.

**HILGERS:** One minute.

**HUNT:** We know that there are people who are unfairly targeted who are arrested, and we know that we have a prison overcrowding problem. And we also have a lot of bureaucratic fatigue. I have a lot of fatigue with bills that are trying to kind of reinvent the wheel and, and find problems to solve when we're not solving the problems that have already been placed before us as lawmakers. We have a rape kit backlog. Come talk to me about taking everybody's DNA after you've brought the bill to solve the rape kit backlog. Bring the bills to solve the problems that people are actually asking for. Thank you, Mr. Speaker.

**HILGERS:** Thank you, Senator Hunt. Senator Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you, Mr. Speaker. Is this my second or third time?

**HILGERS:** It is your third opportunity.

**M. CAVANAUGH:** Thank you. Yes, let's talk about the rape kit backlog. So as of last week, we were backlogged testing to 20-- August of 2020. So that's about-- well, my math is not going to be great on the fly here, about 16-, 17-months backlog. The concern for victims of sexual violence should be placed primarily upon those victims and their ability to even move the judicial process forward. And adding to the DNA collection for the state and creating an additional burden is the opposite of working to support victims of sexual violence. So when you get up here and you talk about how this bill is good for victims of sexual violence, if we're not prioritizing testing their kits, their sexual assault kits, then we aren't prioritizing them. It's, it's disingenuous to use victims of sexual assault and sexual violence as a crutch for this legislation. If you truly care about those victims, then support putting all of this money towards getting their backlog up to date because there is a very likely chance that of those kits that are sitting untested, there's a DNA match already in the system. So instead of increasing the DNA that's in the system, how about we work towards getting that backlog up to date so that victims don't have to wait to find out if they're in the system or not, to wait to find out if there's a potential match that's already sitting in jail somewhere, which can be a very great comfort to victims to have their, their kit tested and find out that their assailant has actually been sitting in jail for some other offense. That terror of if they're going to come back, it's never going to go away, but at least would be diminished to some degree if you could know that. Creating an

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additional 5,000 DNA-sample collections annually would be arduous beyond compare. And it's disappointing that we would spend this much money to put more innocent people in the system. Once you're a part of the system, it's very difficult to get out of the system. And it's people with privilege that are talking about how this isn't a big deal. If you don't leave your house every day worrying that you might be stopped by the police and have your DNA taken, then you probably shouldn't talk about how this isn't a big deal because there are people in this body that that is a concern. And there are people in the state that walk out of their front door every day and worry about what their interaction with the general public and the police system and the justice system is going to be that day. So please take your luxury out of the conversation--

**HILGERS:** One minute.

**M. CAVANAUGH:** --and think about the people that you will be impacting with this legislation. You would be impacting black and brown individuals. Period. You can't put safeguards in. There aren't safeguards to be put in to taking people's DNA without probable cause and putting it permanently in a federal database. There are implicit bias at play, which we know because we see a disproportionate number of black and brown people arrested. Those same people who are getting arrested are going to have their DNA taken. And as we've heard, they could plea down. Charges could have been filed to make it a felony knowing that they would plea them down to a misdemeanor. Thank you, Mr. Speaker.

**HILGERS:** Thank you, Senator Cavanaugh. Seeing no one else in the queue, Senator Wayne, you're recognized to close on your motion. Is Senator Wayne on the floor? Is, is anyone authorized to close for Senator Wayne on his motion? Senator Machaela Cavanaugh, I understand you've been recognized to close-- you've been authorized to close on Senator Wayne's motion?

**M. CAVANAUGH:** Oh, great. That's wonderful. Senator Wayne's motion is to reconsider this to the committee. Vote green. Thanks, everyone. Oh, call of the house.

**HILGERS:** There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

**ASSISTANT CLERK:** 21 ayes, 2 nays to place the house under call.

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**HILGERS:** The house is under call. All unexcused senators, please return to the floor. All unauthorized personnel please clear the floor. The house is under call. Please check in. Senator Groene, please check in. Senator Wayne, Senator Day, please return to the floor. The house is under call. Would you like to proceed, Senator Cavanaugh? Machine vote. Machine vote has been requested. The question for the body is the adoption of the motion to reconsider. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** 7 ayes, 28 nays on the motion to reconsider.

**HILGERS:** The motion is not adopted. I raise the call. Mr. Clerk, for an amendment.

**ASSISTANT CLERK:** Mr. President, Senator Hunt would move to amend with AM1290.

**HILGERS:** Senator Hunt, you're recognized to open on AM1290.

**HUNT:** Thank you, Mr. Speaker. Let me catch up and see, OK, what AM1290 is. I filed most of these amendments last year when we first debated LB496. And when this bill was filed, I, I don't think that I knew it what was going to be Senator Hilkemann's priority, but I had grave concerns, of course, about collecting DNA from innocent people. As I've said repeatedly, that is a line in the sand for me, and that's something that many people of different ideological backgrounds can get behind and understand the reasoning behind that. Whether you're concerned about individual liberties, personal rights, freedom, targeting of, of different minority groups, there are a lot of reasons to be against the ability of law enforcement to take your DNA when you're arrested and you're innocent. So what this amendment does is it provides for DNA collection for any person who is wishing to practice podiatry in Nebraska before they may be licensed. Having a license in Nebraska is a privilege. Other colleagues have made the point about, you know, if you're going to get fingerprinted for something maybe we should be taking DNA, too, because this is a great way to, to drag a net across the population and see who could be caught in a crime. And Senator Hilkemann has repeatedly said that we need to bring law enforcement into the 21st century and use 21st century techniques to stop crime. But I would ask you, where is the line for that going to be for you personally in terms of how advanced we can get in the technology we're using to stop crime? We could put cameras in at every stoplight to catch every person speeding, every person who runs a red light. We already have that in lots of places. There is no end to the

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totalitarianism that we can get into if the only goal that the state has is to stop crime. And as we start to wade into that territory taking the DNA of innocent people, there's no end to the types of groups of people that we could be taking DNA from. Which innocent people? With LB496, the state would be making a judgment that there is a group of innocent people who we have deemed mistrustful enough that we're going to sweep, you know, a net across and take all of their DNA and run it against CODIS and see what we got. But to me, there's just no end to what innocent groups of people that could include. And when this bill was introduced last year, I filed several amendments on it to say, you have to submit your DNA to run for elected office. How do we know we don't have some cold cases sitting around in here? I love you all. But like, I don't know your past, I don't know. Maybe we should all be submitting DNA. I introduced an amendment to say that podiatrists have to submit DNA, which is the profession of, of the introducer, Senator Hilkemann. I introduced an amendment saying that every adult has to submit their DNA. Which groups are we bringing this totalitarian expectation upon? Which groups are we infringing the rights of? And what business is it really of us to say. Our justice system is working as it is by giving people due process and not just sweepingly collecting their DNA to see what we come up with. We have to protect due process. We have to protect people's liberties, and we also need to test that backlog of rape kits we already have if that's ostensibly the goal of something like LB496. Thank you, Mr. Speaker.

**HILGERS:** Thank you, Senator Hunt. Mr. Clerk for a motion.

**ASSISTANT CLERK:** Mr. President, Senator Hilkemann would move to invoke cloture pursuant to Rule 7, Section 10.

**HILGERS:** It is the ruling of the Chair that there has been full and fair debate afforded to LB496. Senator Hilkemann, for what purpose do you rise?

**HILKEMANN:** I rise for call of the house, like to have a roll call vote in regular order.

**HILGERS:** There has been a request to place the house under call. The question is, shall the house go under call? All those in favor of vote aye; all those opposed vote nay. Please record, Mr. Clerk.

**ASSISTANT CLERK:** 30 ayes, 2 nays to place the house under call.

**HILGERS:** The house under is under call. Senators, please record your presence. Those unexcused senators please return to the Chamber. All

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unauthorized personnel please leave the floor. The house is under call. Senator Morfeld, please check in. Senator Groene, please check in. Senator Slama, please return to the floor. The house is under call. All unexcused senators are now present. The question before the body is the motion to-- the adoption of the motion to invoke cloture. All those in favor of vote aye; all those opposed vote nay. A roll call vote in regular order has been requested. Mr. Clerk, please call the roll.

**ASSISTANT CLERK:** Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Blood. Senator Bostar voting no. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements not voting. Senator Day voting yes. Senator DeBoer voting no. Senator Dorn voting yes. Senator Erdman voting yes. Senator Flood voting yes. Senator Friesen voting no. Senator Geist. Senator Gragert voting yes. Senator Groene voting no. Senator Halloran voting yes. Senator Ben Hansen voting no. Senator Matt Hansen voting no. Senator Hilgers voting yes. Senator Hilkemann voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Kolterman voting yes. Senator Lathrop voting yes. Senator Lindstrom voting yes. Senator Linehan not voting. Senator Lowe voting yes. Senator McCollister voting yes. Senator McDonnell voting yes. Senator McKinney voting no. Senator Morfeld voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Pahls voting yes. Senator Pansing Brooks not voting. Senator Sanders voting yes. Senator Slama voting yes. Senator Stinner voting yes. Senator Vargas voting no. Senator Walz voting yes. Senator Wayne voting no. Senator Williams voting yes. Senator Wishart voting yes. Senator Pansing Brooks voting no. Senator Clements voting yes. Senator Pansing Brooks voting yes. Vote is 33 ayes, 12 nays on the motion to invoke cloture.

**HILGERS:** Cloture is invoked. The next motion-- the next vote is on AM1290. All those in favor vote aye; all those opposed vote-- a roll call vote has been requested. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please call the roll.

**ASSISTANT CLERK:** Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch voting no. Senator Blood. Senator Bostar voting no. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Briese. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting no. Senator Day voting no. Senator DeBoer voting no. Senator Dorn voting no. Senator Erdman voting no. Senator Flood voting no. Senator Friesen voting no. Senator Geist. Senator Gragert voting no. Senator Groene voting no.

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Senator Halloran voting no. Senator Ben Hansen voting no. Senator Matt Hansen voting yes. Senator Hilgers voting no. Senator Hilkemann voting no. Senator Hughes voting no. Senator Hunt voting no. Senator Kolterman voting no. Senator Lathrop voting no. Senator Lindstrom voting no. Senator Linehan voting no. Senator Lowe voting no. Senator McCollister voting no. Senator McDonnell voting no. Senator McKinney voting no. Senator Morfeld not voting. Senator Moser voting no. Senator Murman voting no. Senator Pahls voting no. Senator Pansing Brooks voting no. Senator Sanders voting no. Senator Slama voting no. Senator Stinner voting no. Senator Vargas voting no. Senator Walz voting no. Senator Wayne voting no. Senator Wish-- Williams, excuse me, voting no. Senator Wishart voting no. Vote is 1 aye, 44 nays on the Hunt amendment.

**HILGERS:** The amendment is not adopted. The last vote is on LB496 to E&R Initial. All those in favor vote aye; all those-- a roll call vote has been requested. Mr. Clerk, please call the roll.

**ASSISTANT CLERK:** Senator Aguilar not voting. Senator Albrecht voting yes. Senator Arch voting yes. Senator Blood. Senator Bostar voting no. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements not voting. Senator Day not voting. Senator DeBoer voting no. Senator Dorn voting yes. Senator Erdman voting yes. Senator Flood voting no. Senator Friesen voting no. Senator Geist. Senator Gragert voting yes. Senator Groene voting no. Senator Halloran not voting. Senator Ben Hansen voting no. Senator Matt Hansen voting no. Senator Hilgers voting yes. Senator Hilkemann voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Kolterman voting yes. Senator Lathrop voting yes. Senator Lindstrom voting yes. Senator Linehan not voting. Senator Lowe voting yes. Senator McCollister voting yes. Senator McDonnell voting yes. Senator McKinney voting no. Senator Morfeld voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Pahls voting yes. Senator Pansing Brooks voting no. Senator Sanders voting yes. Senator Slama voting yes. Senator Stinner voting yes. Senator Vargas voting no. Senator Walz voting yes. Senator Wayne voting no. Senator Williams voting yes. Senator Wishart voting no. Linehan changes to no. Vote is 26 ayes, 16 nays, Mr. President, on advancement.

**HILGERS:** LB496 advances. Mr. Clerk. Raise the call. Mr. Clerk for new bills.

**ASSISTANT CLERK:** Thank you, Mr. President. New bills, Mr. President: LB1173 introduced by the Health and Human Services Committee is a bill

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for an act relating to child welfare; states findings and intent; creates a work group and strategic leadership group for child welfare system reform; provides duties to the Department of Health and Human Services; defines terms; and declares an emergency. LB1174 introduced by Senator Wayne is a bill for an act relating to state government; requires reports from state entities; requires public hearings. LB1175 introduced by Senator Wayne is bill for an act relating to insurance; prohibits a health insurer from removing a provider as an in-network provider under certain circumstances; provides a civil cause of action. LB1176 introduced by Senator Bostar is a bill for an act relating to the Affordable Taxing-- Housing Tax Credit Act; amends sections 77-2501, 77-2502, 77-2503, 77-2505, 81-523; redefines terms; change provisions relating to the allocation and use of tax credits; to provide for applicability; harmonize provisions; repeals the original section. LB1177 introduced by Senator Bostar is a bill for an act relating to appropriations; appropriate funds to the Department of Health and Human Services for a pilot program, frontline first responders and declares emergency. LB1178 introduced by Senator McCollister is a bill for an act relating to the county records; amends section 23-3211; provides for withholding the residential address of the judge from public; defines terms; and repeals the original section. LB1179 introduced by Senator Groene is a bill for an act relating to education; amends section 9-812; adopts the Classroom Safety Intervention and Behavioral Awareness Training Act; change provisions relating to the Nebraska Education Improvement Fund; repeals the original section; declares an emergency. LB1180 introduced by Senator Groene is a bill for an act relating to revenue and taxation; amends sections 77-2715.03, 77-2716; change individual income tax brackets as prescribed; harmonize provisions; repeals the original section. LB1181 introduced by Senator Groene is a bill for an act relating to elections; amends sections 32-318.01 and 32-914, 32-947; change provisions relating to required identification documents for registering to vote and voting in person or by mail; change provisions relating to early voting procedures; harmonize provisions; repeals the original section. LB1182 introduced by Senator Pansing Brooks is a bill for an act relating to schools; adopts the School Employees Pandemic Protection Act; states intent regarding appropriation of federal funds. (LB1183) LB1184 introduced by Senator Geist is a bill for an act relating to law enforcement; amends section 81-2009; change provisions relating to the duty of the Attorney General to defend the Nebraska State Patrol; provides for procedures for agency counsel assisting the Nebraska State Patrol; and repeals the original section. LB1185 introduced by Senator Morfeld is a bill for an act relating to the Electric Cooperative Corporation Act;

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amends section 70-703, 70-704, and 70-705; change provisions relating to the powers of an electric cooperative corporation; harmonize provisions; repeals the original section. LB1186 introduced by Senator Bostar is a bill for an act relating to the Oil Pipeline Reclamation Act; amend sections 57-1405, 76-3301, 76-3302, 76-3303, 76-3304, 76-3305, and 76-3306; renames the act; defines and redefines terms; restates legislative intent; provides reclamation duties for pipeline carriers; provides for the reversion of an abandoned pipeline right-of-way; provides for the recovery of costs; creates a fund; provides duties for the Department of Environment and Energy; harmonize provisions; repeals the original section. Senator Hunt would move to indefinitely postpone LB1086. Amendments to be printed: Senator Cavanaugh to LB885 and Senator Morfeld to LR14. The Government Committee will have an Executive Session today after their hearing in Room 1507. Conflict of Interest form from Senator Wayne. That will be filed in the Clerk's Office. Additionally, Referencing will meet upon adjournment in Room 1525, Referencing 1525 upon adjournment. Name adds: Senator Matt Hansen to LB717; Albrecht to LB774; DeBoer to LB945; Brewer, LB1008; Matt Hansen, LB1026; Kolterman, LB1039; Matt Hansen to LB1040. Finally, Mr. President, priority motion, Senator Hughes would move to adjourn the body until Thursday, January 20 at 9:00 a.m.

**HILGERS:** Colleagues, you've heard the motion. All those in favor say aye. Opposed say nay. We are adjourned.